

**ORIENTATION
FOR
SOIL AND WATER
CONSERVATION DISTRICT
SUPERVISORS**

AND
CONSERVATION PARTNERSHIP MEMBERS

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Unit 1: Soil and Water Conservation Districts

Introduction

- This unit will help you understand why soil and water conservation districts were formed, what they are, their responsibilities, and how they fit into the scheme of things.
- At the conclusion of this unit, you will be able to describe why districts were formed and understand their purpose and function.

District History

- In the 1930s the “dust bowl” era began. Erosion ruined farms, farmers went broke, and many were displaced.
- Dust clouds blew from the plain states to Washington, D.C.
- The federal government formed the _____⁽¹⁾ to help farmers correct the erosion problems from the 1930s “dust bowl” era.
- Farmers were skeptical and cautious of the practices promoted by the “feds” and were reluctant to practice the Soil Erosion Service’s recommendations.
- The Soil Erosion Service staff realized they had to involve local _____⁽²⁾ in order to implement the new conservation practices.
- A model Soil and Water Conservation District (SWCD) law was provided to all states to enact the district concept at the local level.
- Indiana adopted its SWCD law in _____⁽³⁾, providing an opportunity for Indiana farmers and local citizens to become involved in the new conservation practices. That’s when the conservation movement really began.
- The Indiana SWCD Act, _____⁽⁴⁾ has been changed many times since 1937. The addition in 1999 of the Clean Water Indiana (CWI) program is just one example.

What is a SWCD?

- In Indiana, a soil and water conservation district is a subdivision of state government responsible for soil and water conservation programs within its boundaries.

What is the purpose of a SWCD?

- To provide information about soil, water, and related natural resource conservation; identify and prioritize local soil and water resource concerns; and connect land users to sources of educational, technical and financial assistance to implement conservation practices and technologies.

Who controls a SWCD?

- The _____⁽⁵⁾ elected and _____⁽⁶⁾ appointed supervisors are legally responsible for District operations. All others provide assistance (e.g., technical, educational, volunteers...).
- The _____⁽⁷⁾ supervisors are considered a local policy-making entity responsible for identifying natural resource issues within the entire county and implementing or facilitating programs to address these issues.

Election / Appointment of Supervisors

- Three supervisors are elected and two supervisors are appointed; all positions are three year staggered terms.

Qualifications for Supervisors

- _____⁽⁸⁾ **Supervisors:** To serve as an elected supervisor, a person must be of voting age, own or lease more than 10 acres of land in the district, maintain his or her permanent residence within the district, and be capable of performing the duties of supervisor.
- _____⁽⁹⁾ **Supervisors:** An appointed supervisor must be of voting age, maintain their permanent residence within the district, and be capable of performing the duties of supervisor.

Election / Appointment Process

- The district chair annually appoints a nominating committee in _____⁽¹⁰⁾. This committee selects two or more eligible nominees. *The Indiana SWCD Act (IC 14-32) requires at least one more nominee than the number of open elected positions.*

Unit 1 answers on page 8.

- The district provides the names of the nominees to the Division of Soil Conservation by _____⁽¹¹⁾, for the creation of the official ballot.
- Supervisor elections are required by IC 14-32 to be held at the annual meetings of SWCDs in January, February, or March.
- When an appointed vacancy occurs, the district recommends a candidate by _____⁽¹²⁾, to the State Soil Conservation Board (SSCB) for appointment and approval.

Who's Eligible to Vote?

- To vote in a supervisor election, an individual must be of voting age and either own or rent property or land within the district or represent a firm, company, or corporation that does. (*Eligible individuals also include the owner and tenant of the same land or property as well as any owner's or tenant's spouse.*)

Specific Legal Powers of SWCDs

_____ ⁽¹³⁾ gives districts the authority to:

- Within district boundaries, implement conservation measures on both public and private land with the consent of the agency or landuser.
- Construct, improve, operate, and maintain conservation structures.
- Cooperate with and provide financial or other aid to private and public land occupiers for needed conservation activities.
- Acquire property by purchase, lease, exchange, or donation. Also dispose of acquired property.
- Manage property.
- _____ ⁽¹⁴⁾ income.
- Make available machinery, equipment, seed, seedlings, fertilizer, etc. for land occupiers to apply conservation measures.
- Develop conservation plans for lands within the district.
- Take over and manage conservation projects within the district which were started by state or federal agencies.

- Accept donations, gifts, and contributions of money, services, materials, etc. from the United States, and to use those contributions for district operations.
- Sue and be sued.
- Require landusers whose lands would benefit from district actions to contribute money, services, or materials, and/or agree to use or treat lands in a way that enhances conservation. Also to enter into agreements with landusers.
- Cooperate with state agencies in conducting, publishing, and disseminating soil and water conservation related information.
- Cooperate with state agencies in conducting conservation demonstration projects.
- Act as a management agency for federal non-point pollution and other water quality protection related programs.
- Conduct landfill erosion / sediment reviews for all solid fill sites within their jurisdictional boundaries.
- _____ ⁽¹⁵⁾, along with the _____ ⁽¹⁶⁾ have an Memorandum of Understanding (MOA) with the _____ ⁽¹⁷⁾ to implement 327 IAC 15-5 (Rule 5) concerning construction activity, erosion, and sediment control program activities including plan, review, and inspection.

What are some examples of things districts cannot do?

- Take land or property through eminent domain.
- Borrow money beyond available funds.
- Levy _____ ⁽¹⁸⁾.
- Sell bonds.
- Demand contributions.
- Buy or sell farm products except those used for conservation work.
- Do agricultural research or Extension teaching, except in _____ ⁽¹⁹⁾ with Purdue University.

Unit 2: Role of Supervisors

Introduction

- At the conclusion of this unit, you will understand the responsibilities, and duties of a district supervisor.

Supervisor Responsibilities and Duties

- Be knowledgeable of, understand and follow all _____⁽¹⁾ effecting SWCDs and all guidelines and policies established by the _____⁽²⁾.
- Set policy for district employees in accordance with state and local requirements.
- Meet officially to conduct district business.
- Participate in planning and executing the district's program.
- Invite appropriate local leaders to discuss particular conservation problems and opportunities.
- Understand the powers, authorities, and responsibilities conveyed to SWCD supervisors by law, as well as other state and federal laws.
- Maintain close contact with the SSCB and the Division of Soil Conservation (DSC), Indiana Department of Natural Resources (IDNR) on administrative matters.
- Be aware of the land and water conditions in the district and the practices required to conserve and develop these resources.
- Facilitate the development of the district's long range plan for the conservation and development of natural resources.
- Develop an annual _____⁽³⁾ that meets the goals of the district's long range plan and ensure that it is implemented.
- Arrange for help and cooperation as needed in the district.
- Enter into _____⁽⁴⁾ or understanding with appropriate local, state, and federal agencies and organizations.
- Establish policies and priorities regarding technical assistance and conservation education.
- Hire and supervise district employees. As an employer, be aware and implement policies related to the prevention of sexual harassment in the workplace.
- Coordinate district programs with other natural resource planning and development agencies.
- Manage all funds, facilities, and equipment belonging to the district within the state law, rules, and SSCB policy.
- Participate in appropriate multi-district activities.
- As required by _____⁽⁵⁾, conduct an annual meeting during the first quarter of the calendar year. At the annual meeting provide a full and accurate report of the activities and financial affairs of the district and conduct an election for supervisors.
- Cooperate with USDA Natural Resources Conservation Service (NRCS), and IDNR Division of Soil Conservation (DSC) personnel as "technical partners" of the district.
- Cooperate with the Division of Soil Conservation in implementing and reporting of the _____⁽⁶⁾ program.
- Cooperate with IDNR DSC stormwater and sediment control program and the Indiana Department of Environmental Management (IDEM) in _____⁽⁷⁾ landfill erosion and sedimentation inspections.
- Cooperate with the Purdue Cooperative Extension Service personnel as education partners of the districts.
- Since districts are governmental units, comply with all aspects of the _____⁽⁸⁾ (IC 5-14-1.5) which requires the following:
 - Post a public notice at the principal location of the agency showing _____⁽⁹⁾, _____⁽¹⁰⁾, and _____⁽¹¹⁾ of meetings. Regularly scheduled meeting dates may be prominently displayed in a permanent location in your office.
- Notify news media of regular monthly meeting dates.

Unit 2 answers on page 8.

- Post a meeting agenda at the entrance to the meeting site at least ____ ⁽¹²⁾ hours prior to the meeting.

Additionally...

- Set a good conservation example.
- Make a commitment to serve on district committees, attend and participate in district meetings, support programs, and accept a leadership role in the county.
- Be willing to evaluate, discuss, and develop plans and programs for future conservation needs of the district; then implement those programs.
- Seek funds for the implementation of SWCD programs.
- Utilize district employees to implement SWCD policies and programs.
- Recognize that supervisors are not volunteers, but are duly elected or appointed officials with definite responsibilities as set forth in IC 14-32.
- As a member of the _____ ⁽¹³⁾, we support the Clean Water Indiana program.



Notes

The Indiana Conservation Partnership Agreement

... consisting of the



Indiana Association of Soil and Water Conservation Districts, USDA Natural Resources Conservation Service, Indiana Department of Natural Resources, Purdue University Cooperative Extension Service, and State Soil Conservation Board

... jointly provides leadership in the State on natural resource conservation issues. As partners, we are interdependent, having independent responsibilities yet dependent upon each other for successful delivery of resource management programs and services.

<i>Partnership Vision:</i>	An innovative partnership dedicated to effective leadership and quality service in conserving and protecting Indiana's natural resources.
<i>Quality Policy:</i>	<i>We are committed to providing our customers with quality service through effective communication, professional integrity and mutual respect.</i>

Partnership Guiding Principles

We share a commitment to -

- listening to, anticipating, and responding to our clientele's needs;
- anticipating, identifying, and addressing the relevant issues;
- permitting decision-making at the lowest appropriate level;
- advocating total resource management;
- maintaining and enhancing our locally led delivery system;
- building new alliances to expand our partnership;
- fostering economically viable environmental policies;
- improving the quality of life for future generations; and
- sustaining and conserving our natural resources and environment.

We pledge to work together by -

- advancing and practicing teamwork;
- involving each partner in the decision making process;
- communicating, coordinating, and cooperating;
- promoting mutual respect, support, trust, and honesty; and
- sharing in the leadership, ownership, credit, and responsibility.

We will improve our efficiency and effectiveness by -

- putting quality first;
- empowering people to make decisions;
- demonstrating professionalism and dedication; and
- striving for continuous improvement.

President,
Indiana Association of
Soil and Water
Conservation Districts

State Conservationist,
Natural Resources
Conservation Service

Director,
Indiana Department
of Natural Resources

Director,
Purdue Cooperative
Extension Service

Chair,
State Soil
Conservation Board

This agreement affirmed January 8, 2003.

Unit 3: The Conservation Partnership

Introduction

- This unit will help you understand why we have a conservation partnership, who the members are, and what they do.

Why a Conservation Partnership?

- Each partner provides specific assistance.
- Limited resources. No particular partner possesses enough money, people, or equipment to be all things to all people.

Conservation Partnership Members and Responsibilities

Soil and Water Conservation Districts

Provides an opportunity for local people to work together for natural resources conservation and development.

Indiana Department of Natural Resources (IDNR)

Provides _____⁽¹⁾, _____⁽²⁾, _____⁽³⁾, and _____⁽⁴⁾ assistance to SWCDs through the State Soil Conservation Board, Division of Soil Conservation, and Purdue University, Department of Agronomy. All other IDNR Divisions are available to provide assistance to SWCDs, as well.

Division of Soil Conservation (DSC)

- Performs administrative duties required by _____⁽⁵⁾ policy.
- Provides training to SWCD supervisors with regard to district opportunities, leadership, development, and law.
- Assists districts with program and administrative functions including enhancement of their capacity to address local resource needs.
- Assists districts with youth and adult conservation education (Purdue Cooperative Extension Service and DSC, Conservation Program Specialists).
- Provides conservation, _____⁽⁶⁾ and _____⁽⁷⁾ assistance to landowners through districts (Resource Specialists,

Agricultural Conservation Specialists, and Stormwater Specialists).

- Assists districts and other agencies and organizations with conservation-related aspects of their programs.
- Administers an erosion control cost-share program.
- Administers a non-agricultural erosion and sediment control grant program.
- Administers a lake and river enhancement (_____) ⁽⁸⁾ program to control sediment and associated nutrient inflows into, and enhance the continued use of Indiana's lakes and rivers (including streams and tributaries of rivers).
- Provides educational, administrative, and program development assistance to districts through a contract with _____⁽⁹⁾ to provide staffing.
- Administers the CWI water quality related erosion and sediment reduction program.
- Coordinates SSCB policy.

State Soil Conservation Board (SSCB)

- Appoints supervisors recommended by districts and sets policy regarding the programs of the Division of Soil Conservation and activities of districts.
- Assists SWCDs in carrying out programs.
- Provides _____⁽¹⁰⁾ funding for district operations.
- Builds _____⁽¹¹⁾ and facilitates information exchange with SWCDs through an annual conference, workshops, and provides funding through programs (e.g., LARE, CWI, and etc.).
- Coordinates district programs through advice and consultation.
- Assists in securing federal and state agency help for district programs.
- Establishes policy for SWCD operations.

Unit 3 answers on page 8.

- By law, has the _____⁽¹²⁾, to develop a regulatory program to use once voluntary erosion and sediment education approaches are exhausted.

SSCB Structure

- Consists of _____⁽¹³⁾ members.
- Majority of the SSCB members must possess SWCD supervisor experience.
- Of the nine SSCB members, _____⁽¹⁴⁾ members are freeholders with farming interests. _____⁽¹⁵⁾ are freeholders with non-farming interests. _____⁽¹⁶⁾ are ex-officio members (Commissioner of Agriculture, DNR Director, and Purdue Extension Director).
- _____⁽¹⁷⁾ freeholders are appointed by the Governor for four year terms, which are staggered such that three are appointed every two years.
- The Director of the Division of Soil Conservation serves as _____⁽¹⁸⁾ for the Board (*non-voting*).

Purdue Cooperative Extension (CES)

- The _____⁽¹⁹⁾ is a part of Purdue University, an Indiana land grant college, charged with providing affordable education to the state's citizens in the agricultural and mechanical arts.
- Purdue University provides access to basic research in soil erosion, conservation tillage and other agronomic practices at the university and agricultural centers located around the state.
- Local Extension offices are a vital local partner in the _____⁽²⁰⁾.
- Local Extension Educators based in each county are available to provide assistance to districts in the _____⁽²¹⁾, _____⁽²²⁾, and _____⁽²³⁾ of SWCD youth and adult soil and water conservation education programs.
- Additionally, the Conservation Program specialists provide SWCDs with conservation, educational, administrative, and program development assistance.
- The _____⁽²⁴⁾, developed by the Conservation Program specialists, provides guidance for forming an active SWCD education committee and developing or enhancing a district education program that is responsive to local conservation education needs.

- Among suggested committee members, local Extension Educators are encouraged to participate in the planning process.

- Two programs, Project WET (**W**ater **E**ducation for **T**eachers) and Hoosier Riverwatch are also available to districts.

Project WET is a water science and education program for formal and non-formal educators of kindergarten through twelfth grade students.

Hoosier Riverwatch is a statewide educational program with the following goals: (1) to increase public involvement in water quality issues by training volunteers in stream monitoring and clean up activities; and (2) to provide water quality information to citizens and government officials working to protect Indiana's rivers and streams.

Local Extension Educators provide assistance at the county level in planning, development, and implementation of ag or natural resource education and information programs for youth and adult education.

Natural Resources Conservation Service (NRCS)

- Provides natural resources conservation programs and _____⁽²⁵⁾ assistance to landusers.
- Provides equipment, personnel, and with a few exceptions, office space to help districts achieve their objectives.
- Provides administrative and technical specialists.

Indiana Association of Soil and Water Conservation Districts (IASWCD)

- Provides leadership development opportunities for SWCD supervisors and a _____⁽²⁶⁾ voice for soil and water conservation districts.
- Promotes cooperation and information exchange between districts.
- Works with other organizations to promote the conservation of natural resources.
- Assists in developing and promoting programs to control erosion and conserve natural resources.
- Provides _____⁽²⁷⁾ coverage for all districts through a blanket policy. The policy covers liability, inland marine coverage, and SWCD owned office contents.

Workbook Answers for Units 1 - 3

Unit 1: Soil & Water Conservation Districts

- (1) Soil Erosion Service
- (2) landusers
- (3) 1937
- (4) IC 14-32
- (5) 3
- (6) 2
- (7) 5
- (8) Elected
- (9) Appointed
- (10) October
- (11) December 1
- (12) November 1
- (13) IC 14-32
- (14) Earn
- (15) SWCD's
- (16) Division of Soil Conservation
- (17) Indiana Department of Environmental Mgmt (IDEM)
- (18) taxes
- (19) cooperation

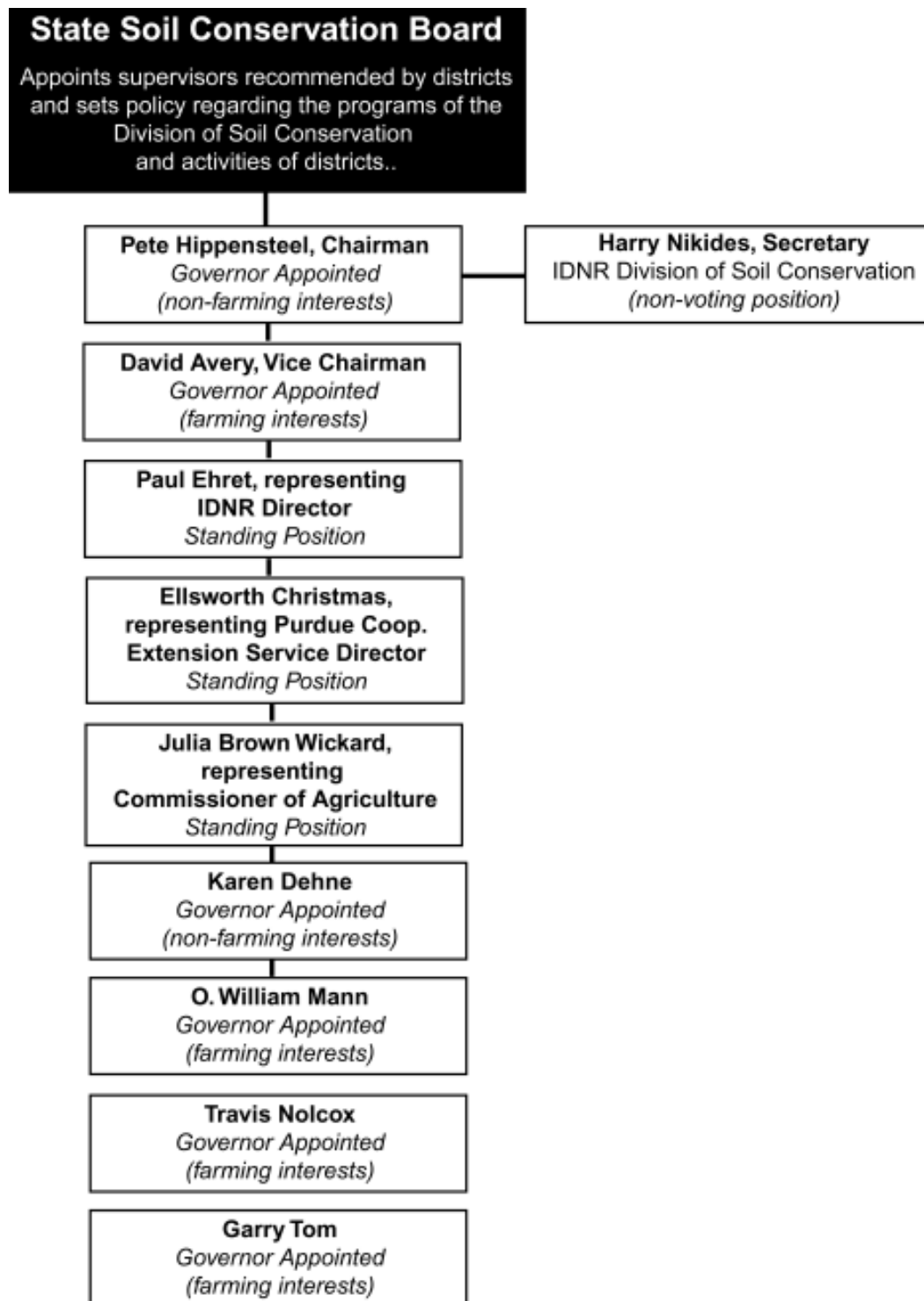
Unit 2: Role of Supervisors

- (1) state laws
- (2) State Soil Conservation Board (SSCB)
- (3) plan of work
- (4) memorandums of agreement
- (5) IC 14-32
- (6) Clean Water Indiana
- (7) biannual
- (8) Indiana Open Door Law
- (9) date
- (10) time
- (11) place
- (12) 48
- (13) Conservation Partnership

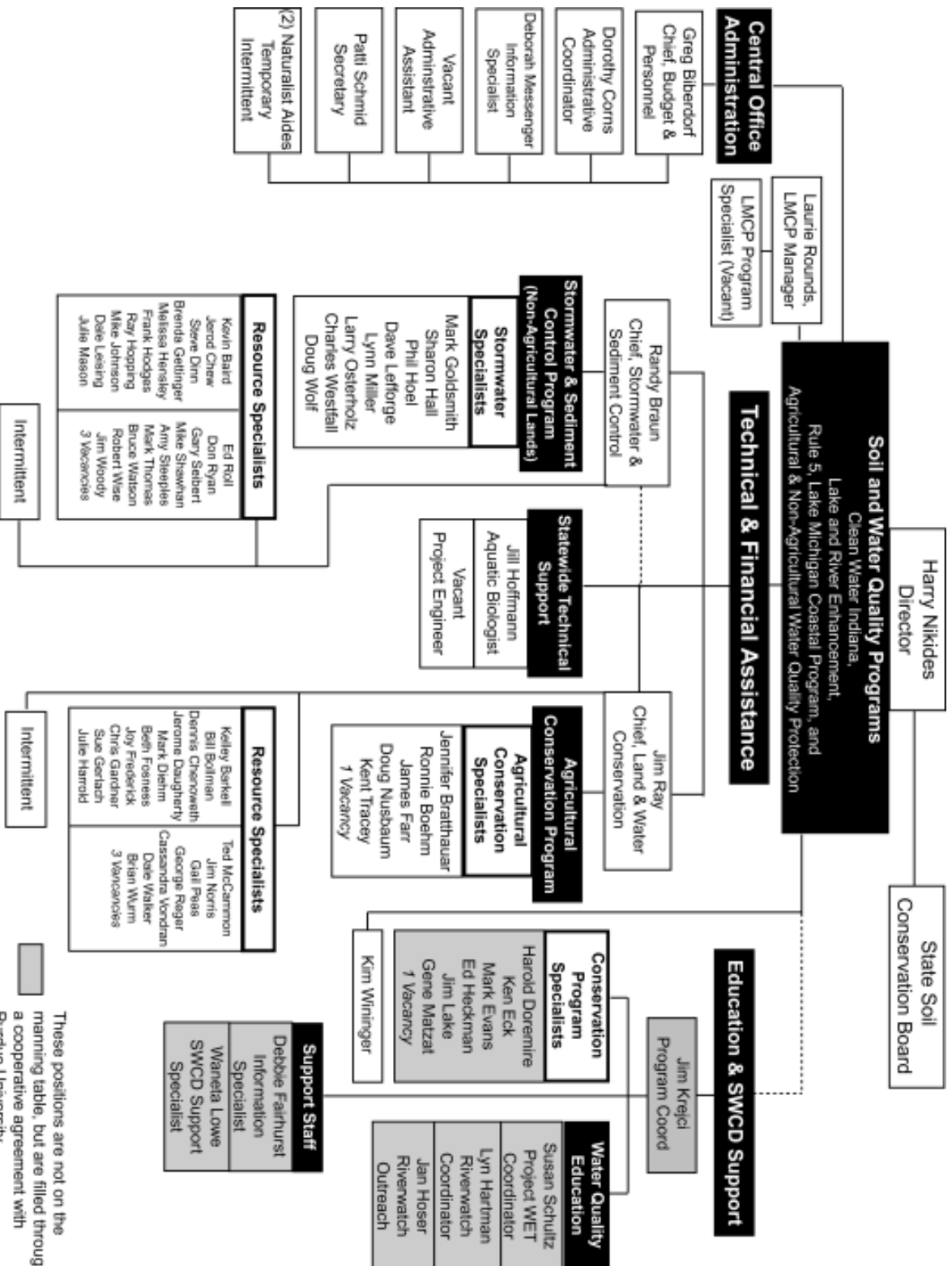
Unit 3: The Conservation Partnership

- (1) administrative
- (2) technical
- (3) educational
- (4) financial
- (5) SSCB
- (6) technical
- (7) financial
- (8) LARE
- (9) Purdue
- (10) state-appropriated
- (11) District Capacity
- (12) authority
- (13) 9
- (14) 4
- (15) 2
- (16) 3
- (17) 6
- (18) Secretary
- (19) CES
- (20) Conservation Partnership
- (21) planning
- (22) development
- (23) implementation
- (24) Education Template
- (25) technical
- (26) legislative
- (27) insurance

State Soil Conservation Board

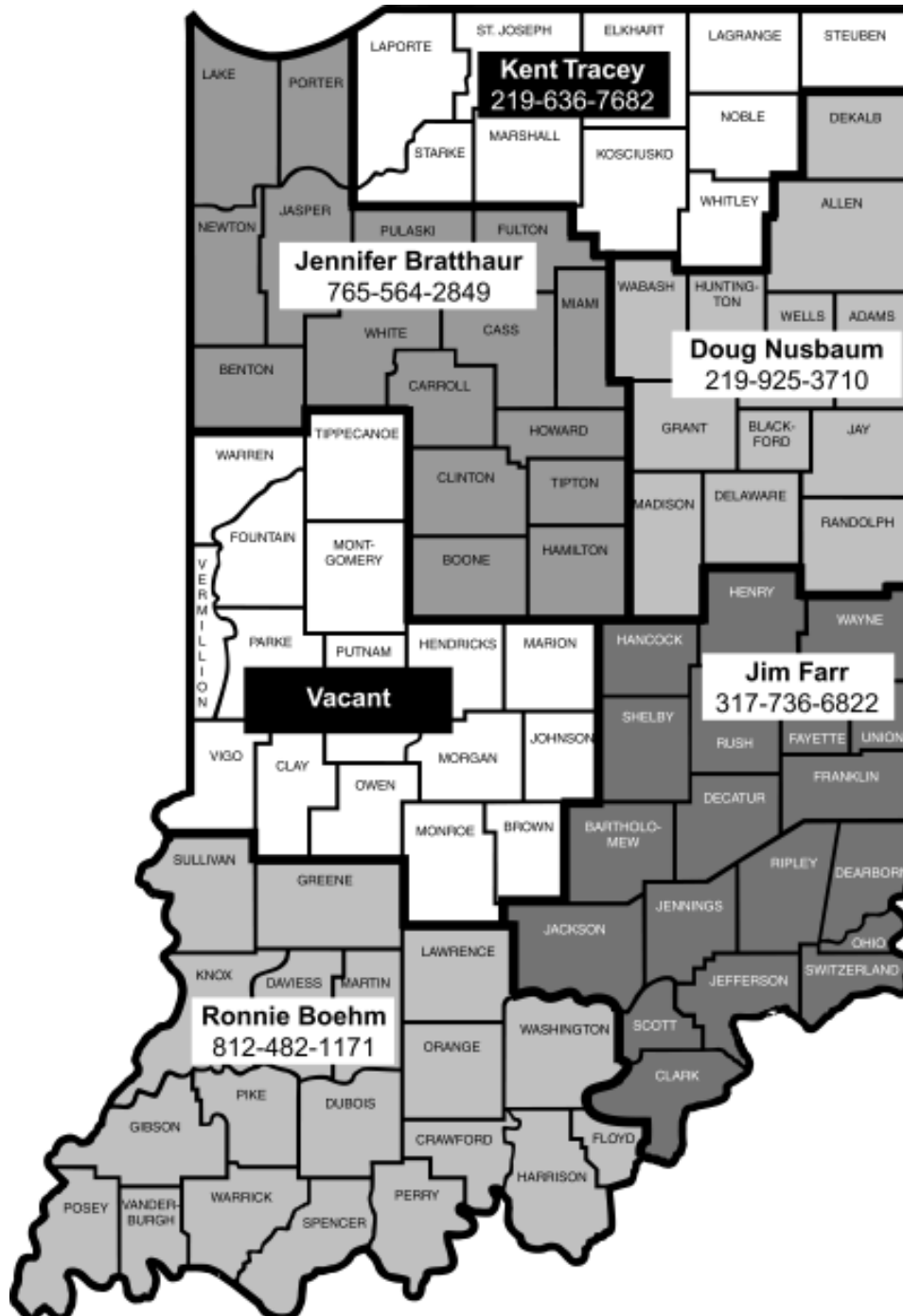


DNR Division of Soil Conservation

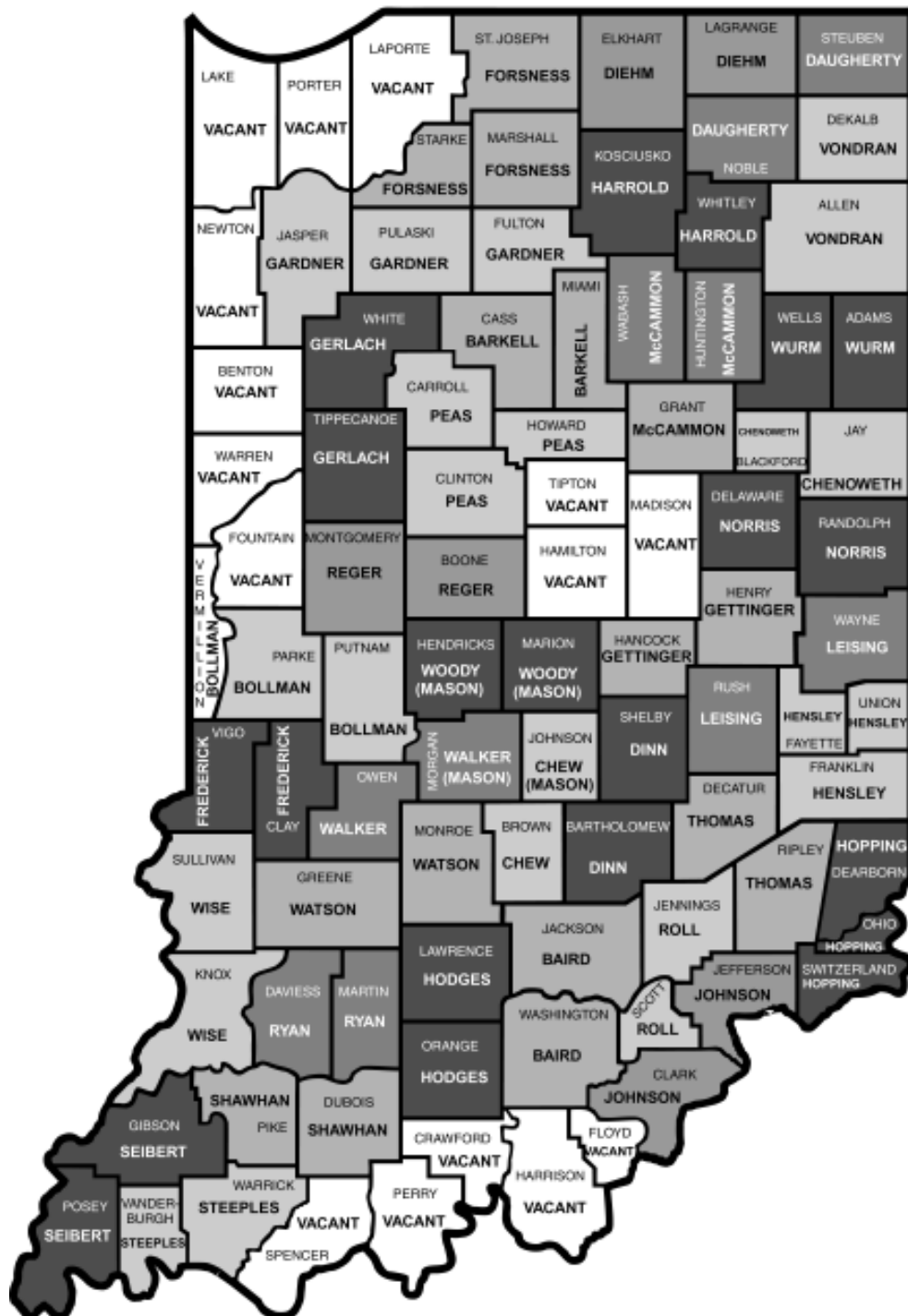


These positions are not on the
managing table, but are filled through
a cooperative agreement with
Purdue University.

**DNR, Division of Soil Conservation
Agricultural Conservation Specialists' Areas**



DNR, Division of Soil Conservation Resource Specialists' Areas



(MASON) - Julie Mason will be providing assistance with design of practices and urban plan reviews primarily to the counties shown.

**DNR, Division of Soil Conservation
Resource Specialists' Phone Numbers**

Baird, Kevin
812-883-3006 ext. 107

Barkell, Kelley
765-473-6753 ext. 3

Bollman, Bill
765-653-5716 ext. 3

Chenoweth, Dennis
260-726-4888 ext. 3

Chew, Jerod
812-988-2211 ext. 3

Daugherty, Jerome
260-626-7682 ext. 3

Diehm, Mark
260-463-3166 ext. 3

Dinn, Steve
317-392-1394 ext. 3

Forsness, Beth
574-936-2024 ext. 3

Frederick, Joy
812-232-0193 ext. 113

Gardner, Chris
574-223-3220 ext. 101

Gerlach, Sue
765-448-1805 ext. 3

Gettinger, Brenda
317-462-2283 ext. 108

Harrold, Julie
574-267-7445 ext. 119

Hensley, Melissa
765-647-2651 ext. 108

Hodges, Frank
812-723-3311 ext. 3

Hopping, Ray
812-926-2406 ext. 3

Johnson, Mike
812-256-2330 ext. 101

Leising, Dale
765-966-0191 ext. 108

Mason, Julie
765-342-5594 ext. 3

McCammon, Ted
765-668-8983 ext. 118

Norris, Jim
765-584-4505 ext. 3

Peas, Gail
765-659-1223 ext. 3

Reger, George
765-362-0405 ext. 108

Roll, Ed
812-752-2269 ext. 112

Roser, Terry
260-563-7486 ext. 101

Ryan, Don
812-254-4780 ext. 107

Seibert, Gary
812-385-5033 ext. 3

Shawhan, Mike
812-354-6120 ext. 101

Steeple, Amy
812-897-1710 ext. 3

Thomas, Mark
812-689-6410 ext. 3

Vondran, Cassandra
260-426-4637

Walker, Dale
812-829-2605

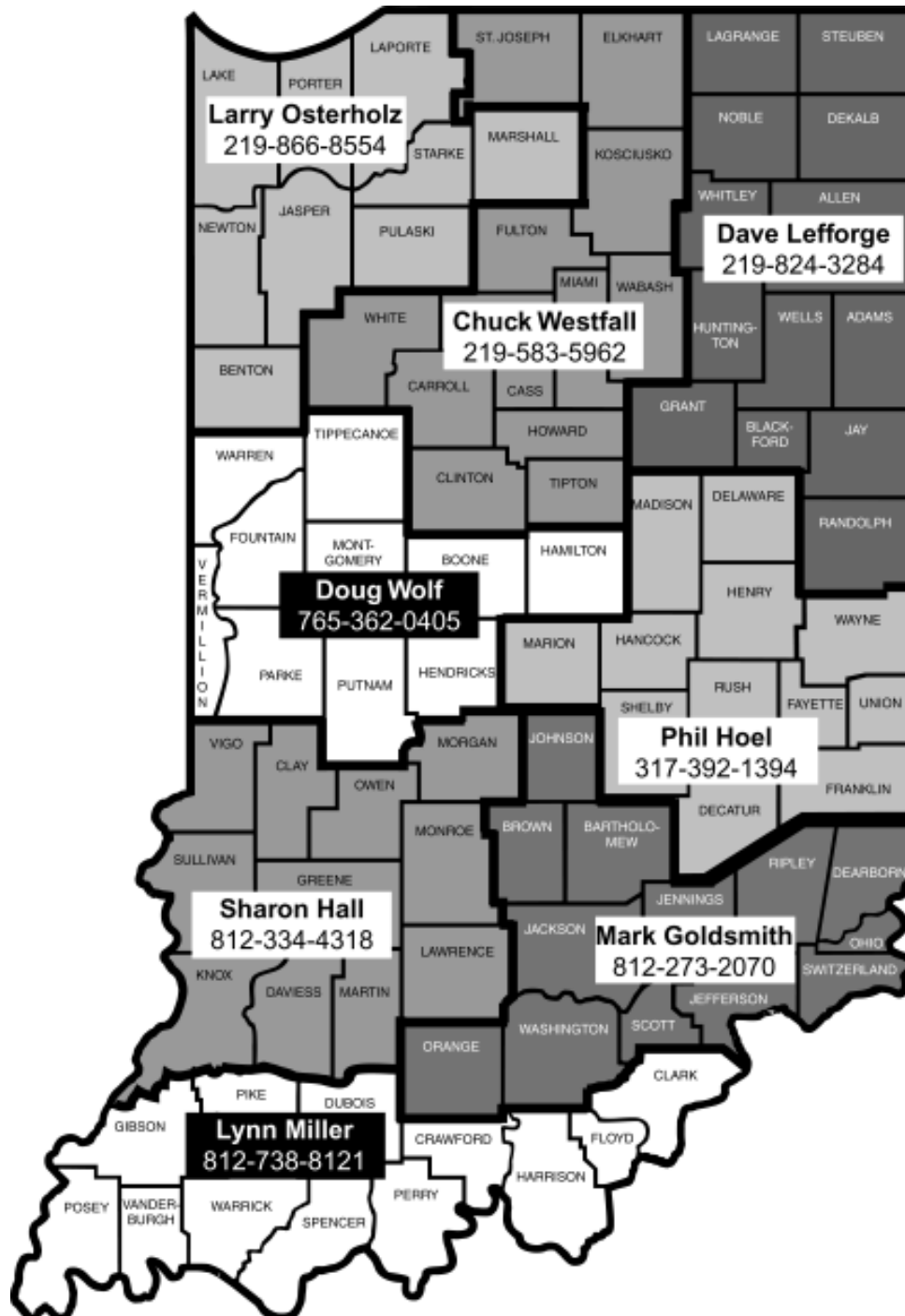
Watson, Bruce
812-384-4634 ext. 132

Wise, Rob
812-268-5157 ext. 3

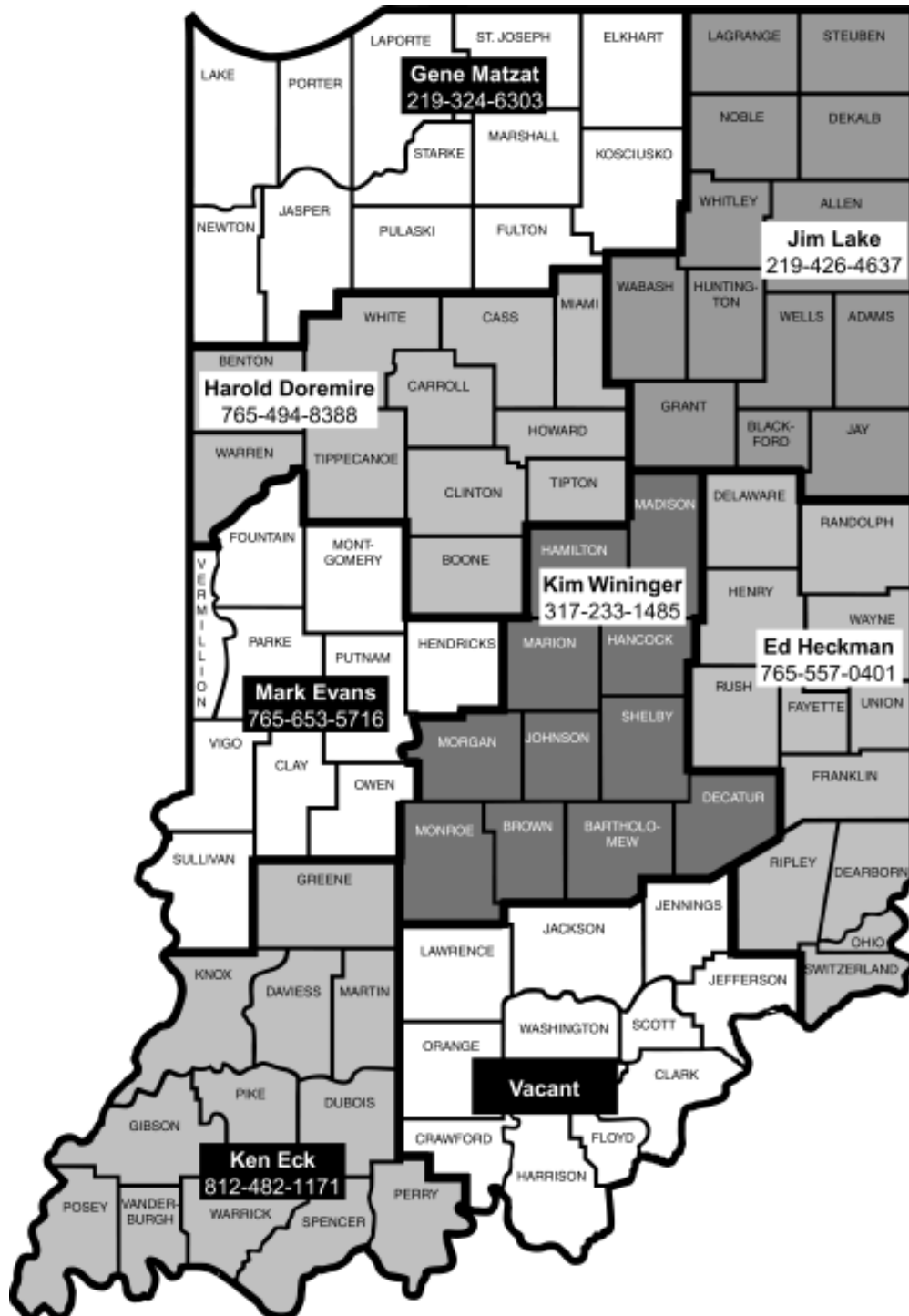
Woody, Jim
317-745-2555 ext. 106

Wurm, Brian
260-724-4124 ext. 3

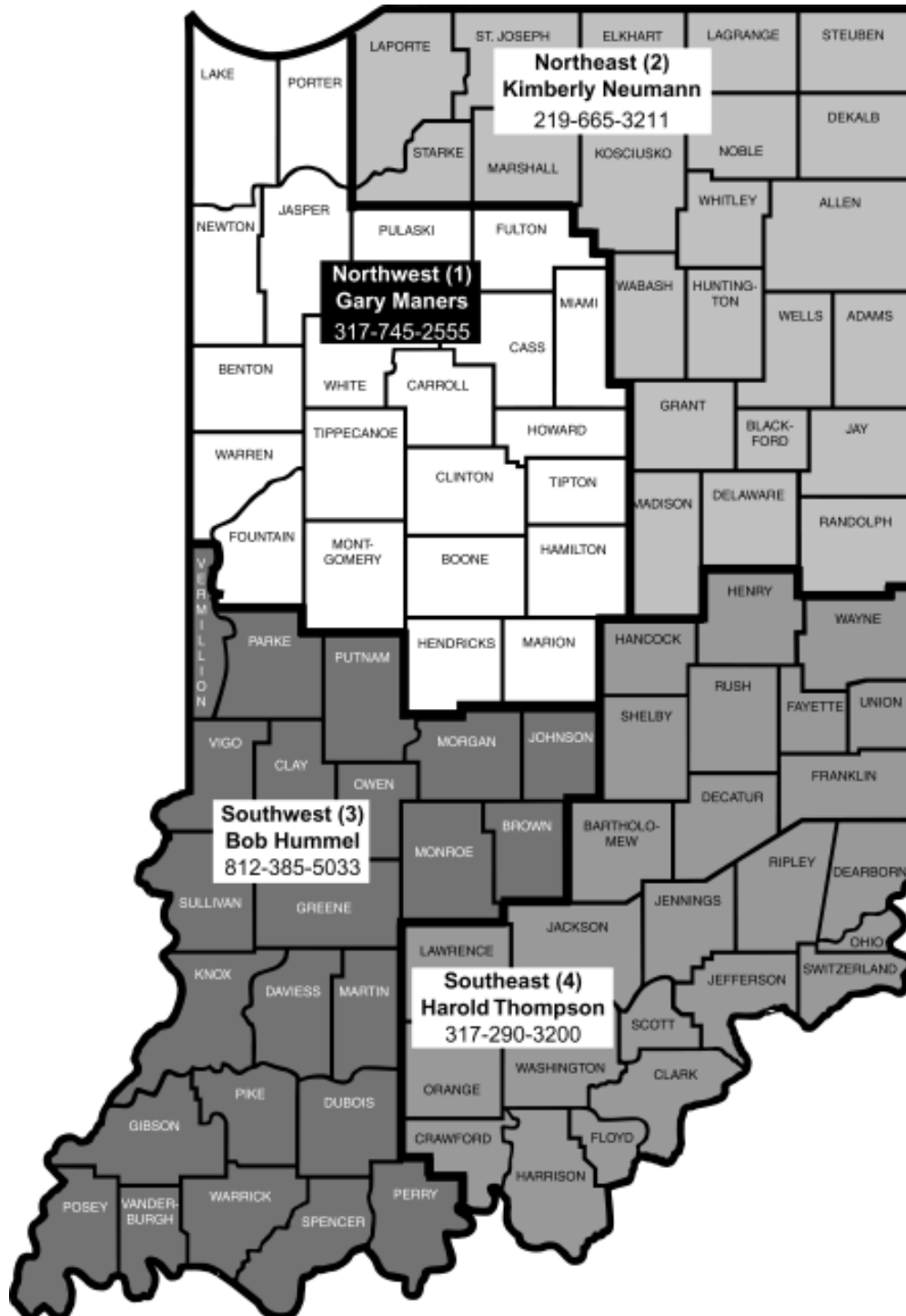
DNR, Division of Soil Conservation
Stormwater Specialists' Areas



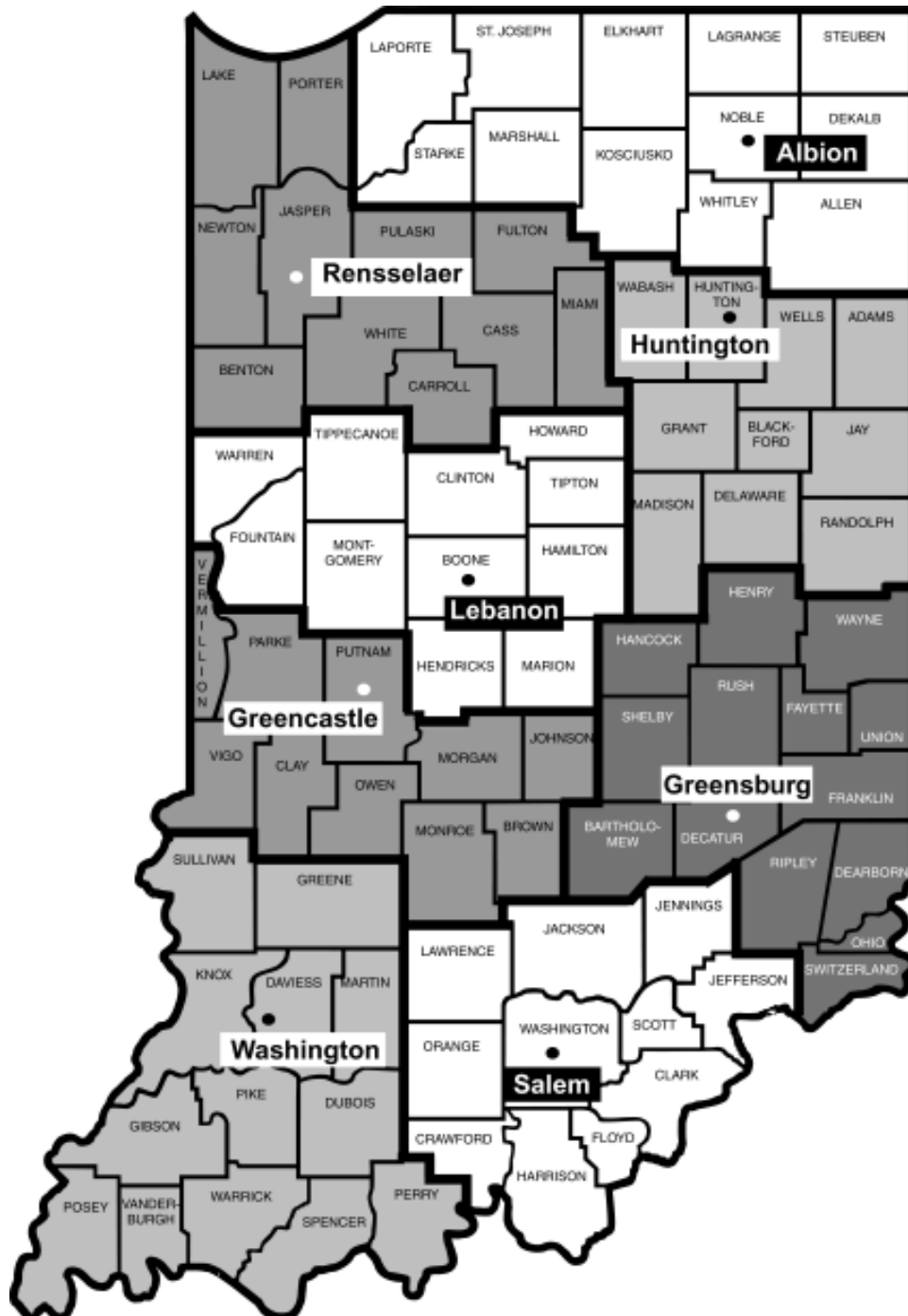
DNR, Division of Soil Conservation & Purdue Dept. of Agronomy
Conservation Program Specialists' Areas



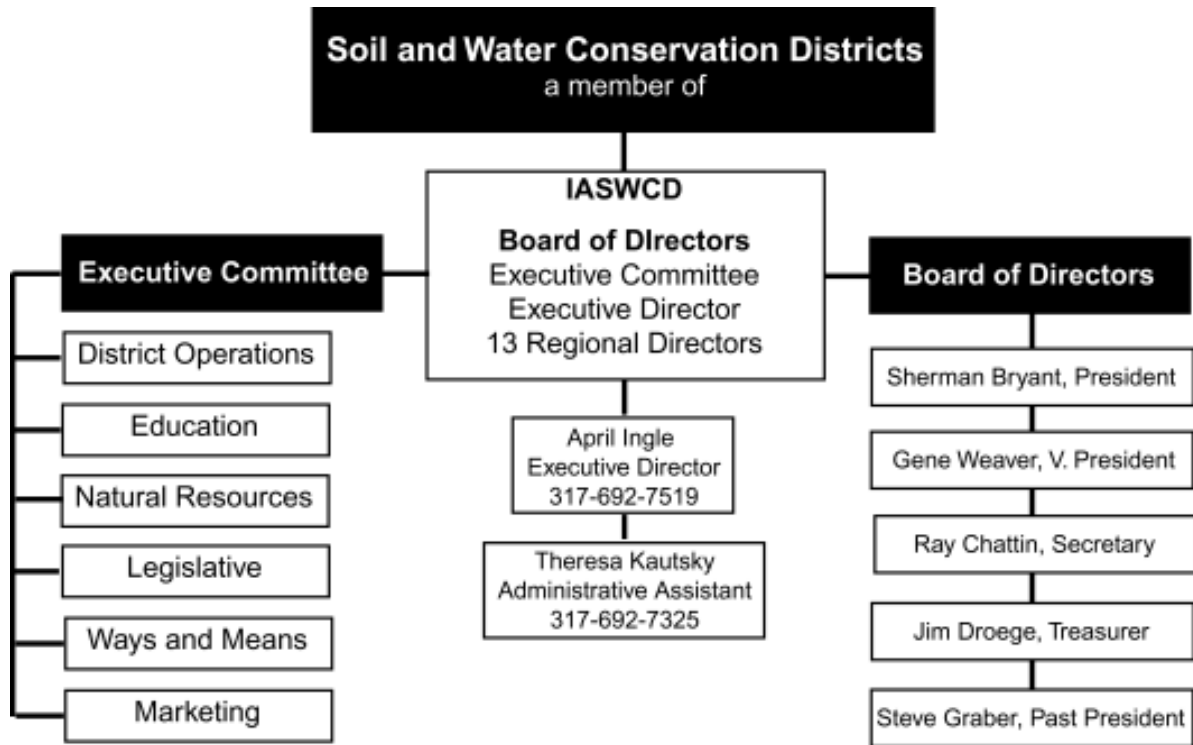
U.S.D.A. Natural Resources Conservation Service
Assistant State Conservationists' Areas



U.S.D.A. Natural Resources Conservation Service
Technical Teams' Areas

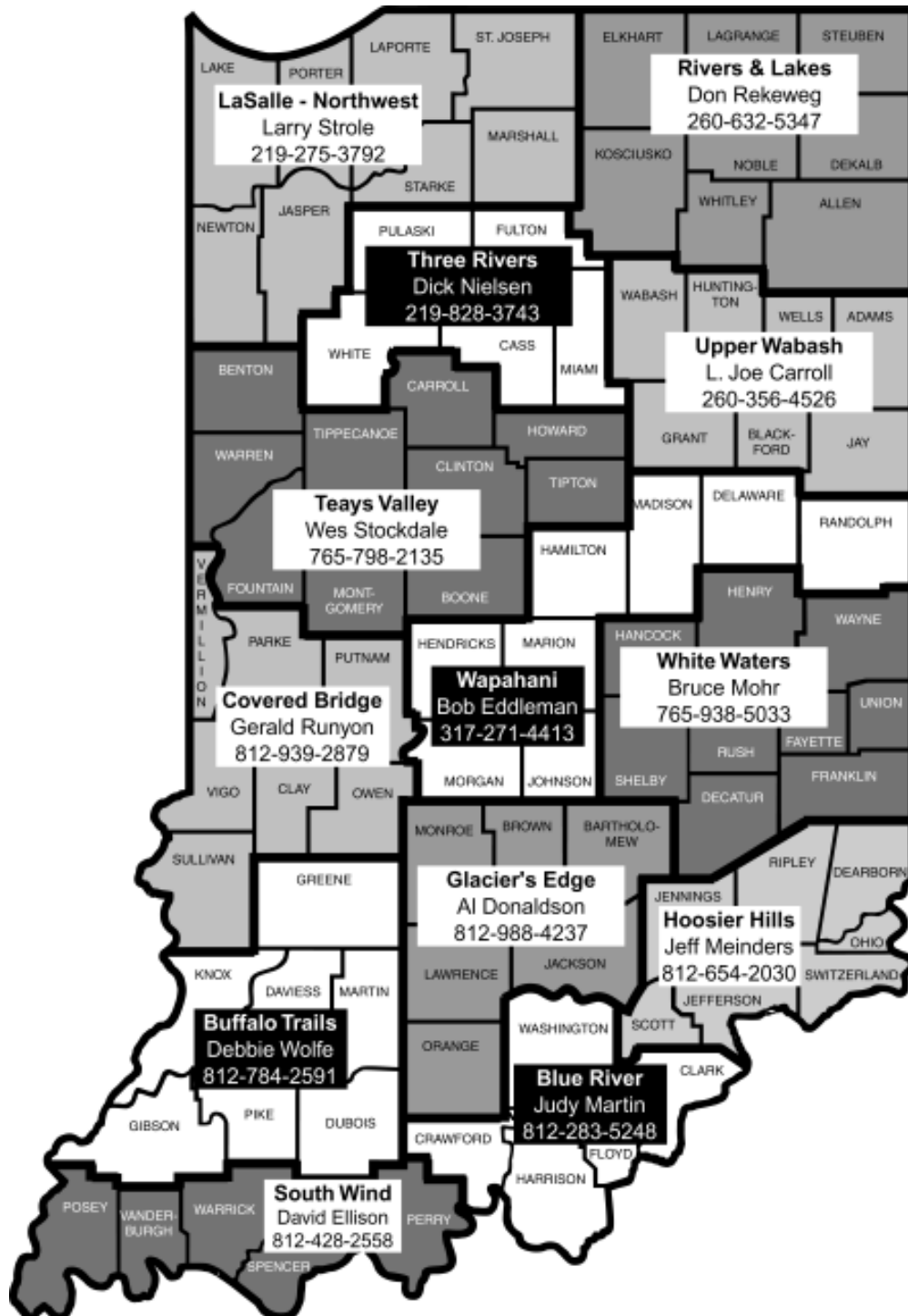


IASWCD
Indiana Association of Soil & Water Conservation Districts, Inc.



- Each SWCD may choose to be a dues paying member of the IASWCD.
- IASWCD is a not-for-profit organization
- IASWCD is **not** a government agency.

IASWCD
Indiana Assoc. of Soil & Water Conservation Districts, Inc.



Unit 4: Clean Water Indiana (CWI) Program

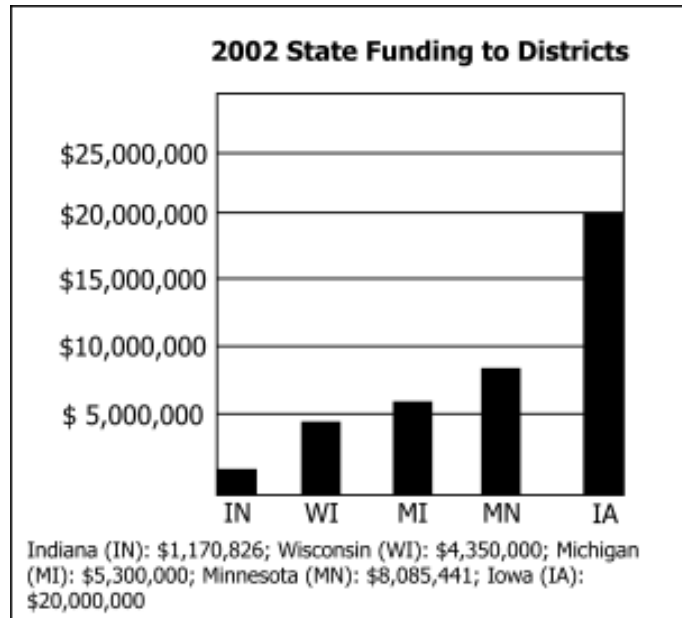
- CWI is a comprehensive, state funded program aimed at significantly improving water quality by reducing soil erosion and polluted stormwater runoff.
- Clean Water Indiana is administered by the _____⁽¹⁾ under the guidelines set by the State Soil Conservation Board.
- CWI programs are carried out at the local level by 92 soil and water conservation districts.

CWI Mission Statement

- To conserve and enhance our land, lakes, and streams by reducing the amount of polluted stormwater runoff that reaches Indiana's water resources. This will be accomplished by strengthening local soil and water conservation districts' ability to provide technical, coordination, and financial assistance to urban and rural landowners.

CWI Components

- The Clean Water Indiana (CWI) program, created by the _____⁽²⁾ Indiana General Assembly, would provide districts and their partners with additional resources to identify and solve many water quality concerns.
- The _____⁽³⁾ is responsible for the establishment of policies and program structure for all aspects of the CWI program. The Indiana Department of Natural Resources' Division of Soil Conservation will _____⁽⁴⁾ the CWI program (IC 14-32-8-4 & 6).
- The CWI fund is divided into two components: (1) State Match for Local Conservation Initiatives and (2) Urban and Rural Conservation on the Land.



Component One

State Match for Local Conservation Initiatives

In 2002, Indiana counties invested more than \$4 million in districts compared to the state's investment of \$1.17 million. Compared to four neighboring Midwestern states, the State of Indiana provides the least amount of funding to districts.

CWI funds will be used to match local investments in districts (IC 14-32-8-8). CWI funds will match dollars that a district receives from a county, township, city, or town. The State is not obligated to match more than _____⁽⁵⁾ of local funds for each district, but may match beyond \$10,000 if CWI funds are available.

Component Two

Urban and Rural Conservation on the Land

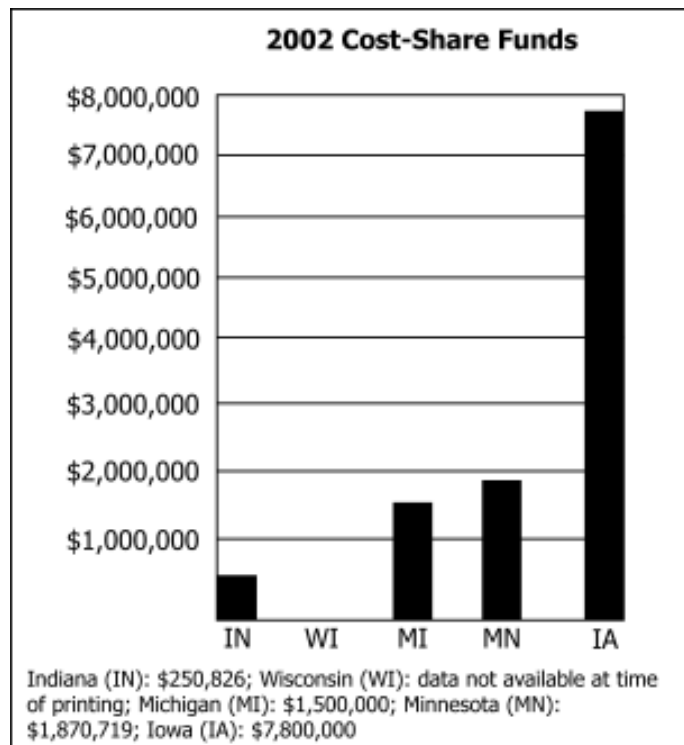
There simply is not enough conservation cost-share and grant money available from current state or federal programs to fulfill the need for assistance to Indiana's urban and rural landowners. In 1999, public demand exceeded available federal and state conservation cost-share and grant dollars by more than \$11 million. Neither the demand nor the funds available have changed significantly since that time.

CWI funds will be used for a _____⁽⁶⁾ cost-share and grant program.

The CWI grant program will provide funds for eligible projects and applicants, to the extent funding is available. Grant eligibility will be determined by CWI statute IC 14-32-8-7 (1), (2), (5), & (6) and SSCB policy.

The CWI cost-share program (IC 14-32-8-7 (4)) will be administered in cooperation with districts. Each district will work with local landowners to prioritize the practices that are submitted to the CWI program for payment, similar to current division _____⁽⁷⁾ programs. The CWI cost-share program focuses on practices such as _____⁽⁸⁾, _____⁽⁹⁾ management, and innovative urban conservation practices.

CWI will also provide funds to the USDA Natural Resources Conservation Service to accelerate the completion of the computer (digital) versions of _____⁽¹⁰⁾ for Indiana (IC 14-32-8-7 (3)). The CWI funds may be added to the federal dollars currently invested in digitizing.



Notes

Unit 5: Funding Basics for Districts

Introduction

- This unit will help you understand the basics of funding for districts.

County Funding

- Supports district operations and employee costs.
- SWCD budget submitted to the county auditor by _____⁽¹⁾.
- Requires good planning, programs worth funding, good relationships with county council and commissioners, and supervisor support.

State Fund Distributions

- Currently, the DSC provides _____⁽²⁾ annually to each SWCD for the enhancement and improvement of SWCD programs.
- Additional funds maybe provided to districts as the DSC appropriation permits.
- The funds are provided by the _____⁽³⁾ and distributed through the IDNR Division of Soil Conservation.
- The funds may be used for _____⁽⁴⁾, _____⁽⁵⁾, soil and water conservation _____⁽⁶⁾ programs, _____⁽⁷⁾, and cost-share among other items.
- Additionally, the General Assembly provided CWI funds totaling \$1,000,000. The funds were distributed through the DNR Division of Soil Conservation to districts and partially matched funding received from districts' counties, townships, and/or communities.
- IASWCD is currently seeking alternative funding sources for CWI for 2003.

Grants

- Federal and state _____⁽⁸⁾ are often available from the Environmental Protection Agency through the Indiana Department of Environmental Management.
- Often used to conduct special studies or set up conservation demonstrations, etc.
- Private foundation grants are available from numerous sources.

- Grants require administration. Be sure your staff has the time, inclination, and skill.

District Sales & Equipment Rentals

- Many districts sell conservation-related products and lease no-till drills, tree planters, strawblowers, etc...
- Provides a service and often helps landusers try out new conservation practices.
- Generates support monies for district programs.

Private Donations

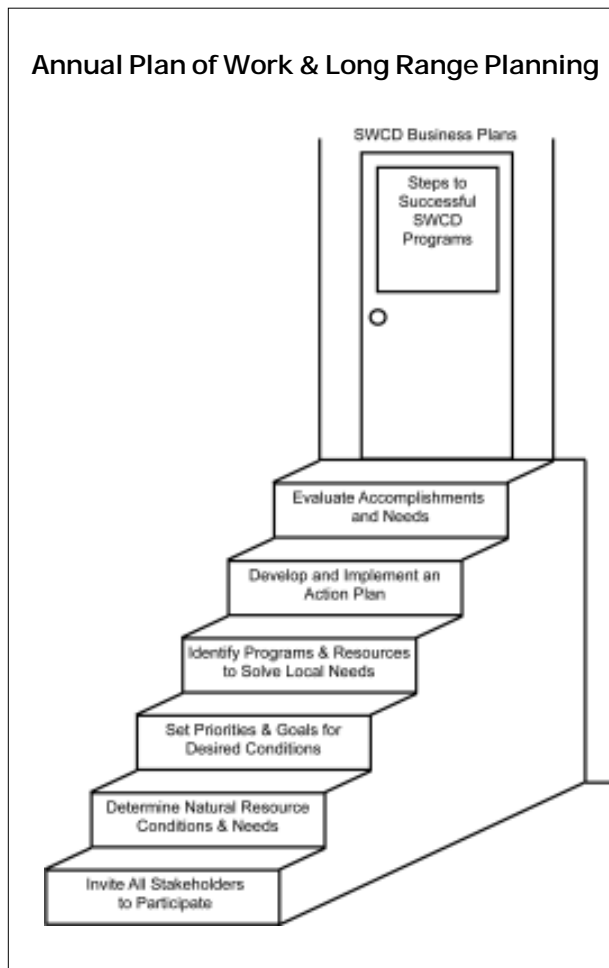
- Funds are often donated to districts to support conservation programs.
- _____⁽⁹⁾ may be in the form of money, service, property, equipment, or supplies.
- Donations to government entities are _____⁽¹⁰⁾ as charitable contributions as provided for in section 170 (c) of the Internal Revenue Code.
- Any donations received by SWCDs must be utilized in accordance with the District Act (IC 14-32) Chapter 5, Powers and Duties of Districts, and the policies of the State Soil Conservation Board.

All Monies Considered Public Funds

- _____⁽¹¹⁾ are political subdivisions of state government, therefore all monies received from all sources are considered _____⁽¹²⁾.
- All expenditures must be supported by an approved, signed claim voucher.
- All funds received by the district must be properly documented with a _____⁽¹³⁾.
- SWCDs are accountable to the public for all funds received and dispersed.
- SWCDs are subject to audits by the _____⁽¹⁴⁾.

Unit 6: The Assessment of Local Conservation Needs

- The need for local _____⁽¹⁾ in natural resources management was one of the most important factors leading to the establishment of conservation districts more than 60 years ago.
- Over the years, federal, state, and local governments have channeled assistance through conservation districts to address virtually every aspect of natural resources conservation.
- An assessment of local conservation needs creates new opportunities, but also poses significant challenges to Indiana SWCDs to step in as conservation _____⁽²⁾ in their communities.
- SWCDs need to be leaders by bringing together other conservation agencies and groups, taking the lead in planning, and carrying out all conservation programs at the _____⁽³⁾ level.
- The conservation needs assessment process should be _____⁽⁴⁾ driven rather than program driven.
- The assessment of local conservation needs should be used to guide and coordinate all federal, state, and local conservation efforts.
- The continuous process involves a sequence of steps to involve the entire community in both planning and implementation.
- Assessment of local conservation needs helps determine the SWCD's role, authority, and responsibility.
- Many SWCDs are already doing a great job in determining local conservation needs. However, if the SWCD has not participated in a process like this before, consider using the steps listed.



Workbook Answers for Units 4-6

Unit 4: Clean Water Indiana (CWI) Program

- (1) Division of Soil Conservation
- (2) 1999
- (3) State Soil Conservation Board (SSCB)
- (4) administer
- (5) \$10,000
- (6) statewide
- (7) cost-share
- (8) buffer strips
- (9) nutrient
- (10) soil surveys

Unit 6: The Assessment of Local Conservation Needs

- (1) leadership
- (2) leaders
- (3) local
- (4) resource

Unit 5: Funding Basics for Districts

- (1) July 1
- (2) \$10,000
- (3) General Assembly
- (4) equipment
- (5) district personnel
- (6) education
- (7) marketing
- (8) grants
- (9) Donations
- (10) tax deductible
- (11) SWCDs
- (12) public funds
- (13) receipt
- (14) State Board of Accounts



Test Your Soil & Water Conservation District Knowledge

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>T F 1. The responsibilities of SWCDs are found in the federal law establishing the NRCS.</p> <p>T F 2. The general laws of the state pertaining to public officials do not apply to soil and water conservation district supervisors.</p> <p>T F 3. An SWCD can enter into an agreement with any federal, state, county, or local agency for assistance.</p> <p>T F 4. The operation of a SWCD is managed or directed by the district conservationist.</p> <p>T F 5. The present SWCD Law is flexible enough to allow districts to assist in natural resource management in urban areas.</p> <p>T F 6. Erosion and off-site sedimentation from non-ag areas (unprotected industrial and home building sites) can cause as much damage as erosion from agricultural lands.</p> <p>T F 7. The State Soil Conservation Board (SSCB) has the responsibility to keep supervisors informed and to see that the Soil and Water Conservation Act (IC 14-32) is followed.</p> <p>T F 8. The SSCB sets policy for the SWCDs.</p> <p>T F 9. The delegates at the IASWCD annual business meeting elect the members of the State Soil Conservation Board.</p> <p>T F 10. The SWCD long-range plan is a key working tool and needs to be reviewed annually by the SWCD supervisors.</p> <p>T F 11. District Associates may be assigned power and responsibilities by the SWCD, but may not sign claims, make motions, second motions, or vote on official business of the district.</p> <p>T F 12. The SSCB provides guidance regarding administrative operations of SWCDs.</p> <p>T F 13. A district should involve district associates on committees, programs, the development of annual business plans, and long-range plans of work, annual reports, and other district activities.</p> | <p>T F 14. The Natural Resource Conservation Service district conservationist can make motions and vote regarding district business.</p> <p>T F 15. Clean Water Indiana is a federally funded program to reduce soil erosion, off-site sedimentation damage, and improve or protect water quality.</p> <p>T F 16. An SWCD's annual plan of work contains plans for district activities and should be coordinated with the Purdue Cooperative Extension Service, NRCS, IDNR, and other agricultural and urban entities within the district.</p> <p>T F 17. The requirements for being a district associate are outlined in the SWCD Act (IC14-32).</p> <p>T F 18. The Soil and Water Conservation Act, IC 14-32, provides for the organization of districts under the guidance of the State Soil Conservation Board.</p> <p>T F 19. A working agreement with the Purdue CES and each SWCD has been signed establishing a procedure for securing educational assistance in conservation.</p> <p>T F 20. The SSCB consists of nine members. Four of the members shall be free holders with interests in farming. Two members shall be individuals with non-farming interest. The remaining three members shall be ex-officio members as follows: 1) director of IDNR, 2) Commissioner of Agriculture, and 3) director of the Purdue Cooperative Extension Service.</p> <p>T F 21. Soil and Water Conservation District supervisors do not have authority to incur indebtedness beyond available funds.</p> <p>T F 22. It is the responsibility of the NRCS district conservationists to hire and provide supervision for district employees.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- | | | | | | |
|---|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|------------------------------------------------------------------------------------------------------------------------------------------------------|
| T | F | 23. A SWCD is a governmental subdivision of the state. | T | F | 34. Soil and Water Conservation Districts have the responsibility to evaluate Rule 5 plans. |
| T | F | 24. Elected supervisors must be of voting age, own or lease more than 10 acres in the district, maintain residence in the county, and be capable of performing the duties of a supervisors. | T | F | 35. SWCDs will be bypassed with opportunities to influence the total conservation process if they remain purely agricultural in nature and thinking. |
| T | F | 25. SWCDs must follow the “Open Door” law. | T | F | 36. The SWCD and NRCS have a Memorandum of Understanding (MOA) regarding their working relationships. |
| T | F | 26. SWCD supervisors are responsible for employing, evaluating, recognizing good work, developing work improvement plans, and discharging problem SWCD employees. | T | F | 37. You, as SWCD supervisors, are responsible for the appointment, transfer, and promotion of NRCS personnel. |
| T | F | 27. The major responsibility of NRCS is to provide technical assistance to landusers through the local soil and water conservation districts. | T | F | 38. Division of Soil Conservation and NRCS employees may serve as SWCD supervisors. |
| T | F | 28. The IDNR DSC’s major role is to assist the 92 SWCDs in fulfilling their legal mandate to protect the state’s land and water resources. | T | F | 39. The Extension Educator should have a standing invitation to all SWCD board meetings. |
| T | F | 29. SWCDs have the authority to levy taxes. | T | F | 40. Division of Soil Conservation and NRCS personnel are responsible for SWCD records. |
| T | F | 30. SWCDs have the power of eminent domain. | T | F | 41. The SWCD chair has the major responsibility of appointing district committees and assigning responsibilities. |
| T | F | 31. Supervisors may be compensated a salary per-diem for any part of a day they are engaged in official district business. | T | F | 42. A SWCD’s annual plan of work is a step-by-step procedure for state and federal agencies to follow in their day-to-day job. |
| T | F | 32. Much of the Division of Soil Conservation’s educational, technical, and financial assistance to landusers is provided through SWCDs. | T | F | 43. A SWCD supervisor should preside over the program at the annual or other official district meetings. |
| T | F | 33. The members of the “Conservation Partnership” include DNR (DSC and SSCB), Purdue CES, USDA NRCS, and SWCDs. | | | |

Quiz Answers: (1) F; (2) F; (3) T; (4) F; (5) T; (6) T; (7) T; (8) T; (9) F; (10) T; (11) T; (12) T; (13) T; (14) F; (15) F; (16) T; (17) F; (18) T; (19) T; (20) T; (21) T; (22) F; (23) T; (24) T; (25) T; (26) T; (27) T; (28) T; (29) F; (30) F; (31) T; (32) T; (33) T; (34) T; (35) T; (36) T; (37) F; (38) F; (39) T; (40) F; (41) T; (42) F; (43) T.

Acronyms Anonymous

AFO	Animal Feeding Operation	FFA	Future Farmers of America
ACS	Agricultural Conservation Specialist (IDNR/DSC)	FIP	Forestry Incentives Program
AMA	Agricultural Management Assistance	FO	Field Office
APHIS	Animal Plant Health Inspection Service	FPP	Farmland Protection Program
BIF	Build Indiana Funds	FOTG	Field Office Technical Guide
BMP	Best Management Practice	FSA	Farm Service Agency, USDA
CAFO	Confined Animal Feeding Operations	GLCI	Grazing Lands Conservation Initiative
CED	County Extension Director (Extension)	GRP	Grasslands Reserve Program
CED	County Executive Director (FSA)	IAC	Indiana Administration Code
CES	Cooperative Extension Service (Purdue)	IASWCD	Indiana Association of Soil and Water Conservation Districts, Incorporated
CNMP	Comprehensive Nutrient Management Plan	IC	Indiana Code
COE	Corps of Engineers, US Army	IDEA	Indiana District Employee Association
CPS	Conservation Program Specialist (IDNR/DSC and Purdue Agronomy)	IDEM	Indiana Department of Environmental Management
CREP	Conservation Reserve Enhancement Program	IDNR	Indiana Department of Natural Resources, <i>including</i> Divisions:
CRP	Conservation Reserve Program		Entomology
CSP	Conservation Security Program		Fish and Wildlife
CTIC	Conservation Technology Information Center		Forestry
CWI	Clean Water Indiana		Historic Preservation
DC	District Conservationist (NRCS)		Law Enforcement
DSC	Division of Soil Conservation (IDNR)		Museums and Historic Sites
DOT	Department of Transportation		Nature Preserves
EQIP	Environmental Quality Incentive Program		Oil and Gas
ECP	Emergency Conservation Protection		Outdoor Recreation
EI	Erodibility Index		State Parks & Reservoirs
EPA	Environmental Protection Agency		Public Information and Education
EWP	Emergency Watershed Program		Reclamation
FAC	Food and Agriculture Council or Field Advisory Committee		Soil Conservation
			Water
		ILICA	Indiana Land Improvement Contractors of America
		IHLA	Indiana Hardwood Lumberman's Association
		IFWOA	Indiana Forest and Woodland Owners Association
		LARE	Lake and River Enhancement

LMCP	Lake Michigan Coastal Program	SWS	Stormwater Specialist (IDNR/DSC)
MLRA	Major Land Resource Area	TSP	Technical Services Provider
MMP	Manure Management Plan	USDA	United States Department of Agriculture
MOA	Memorandum of Agreement	USFS	United States Forest Service
MOU	Memorandum of Understanding	USFWS	United States Fish and Wildlife Service
NACD	National Association of Conservation Districts	USGS	United States Geological Survey
NASCA	National Association of State Conservation Agencies	USLE	Universal Soil Loss Equation
NASDA	National Association of State Departments of Agriculture	WASCOB	Water & Sediment Control Basin
NMP	Nutrient Management Plan	WCP	Water Conservation Program
NPS	Nonpoint Source	WHIP	Wildlife Habitat Incentive Program
NRCS	Natural Resources Conservation Service, USDA	WLTP	Watershed Land Treatment Project
NREC	Natural Resources Education Center	WQIG	Water Quality Improvement Grant
NRI	National Resource Inventory	WQIP	Water Quality Improvement Plan
PERF	Public Employees' Retirement Fund	WRP	Wetland Reserve Program
PMC	Plant Materials Center		
PRMS	Performance Review Management System		
RAMP	Rural Abandoned Mine Program		
RC&D	Resource Conservation and Development		
RD	Rural Development		
RS	Resource Specialist (IDNR/DSC)		
RUSLE	Revised Universal Soil Loss Equation		
SC	Soil Conservationist (NRCS)		
SCT	Soil Conservation Technician (NRCS)		
SSCB	State Soil Conservation Board		
SWCD	Soil and Water Conservation District		
SWCS	Soil and Water Conservation Society		
SWQ	Soil and Water Quality		
SWRP	Small Watershed Rehabilitation Program		

SWCD Support Agencies and Groups

State

- Department of Health
- Indiana Department of Environmental Management
- Indiana Department of Natural Resources, including the Divisions of:
 - Entomology
 - Fish and Wildlife
 - Forestry
 - Historic Preservation
 - Law Enforcement
 - Museums and Historic Sites
 - Nature Preserves
 - Oil and Gas
 - Outdoor Recreation
 - State Parks and Reservoirs
 - Public Information and Education
 - Reclamation
 - Soil Conservation
 - Water

Purdue University

- Agronomy
- Agricultural Economics
- Agricultural Engineering
- Animal and Veterinary Sciences
- Botany and Plant Pathology
- Cooperative Extension Service
- Forestry
- Horticulture
- National Soil Erosion Laboratory (USDA-ARS)

Federal

- Agricultural Research Service
- Army Corps of Engineers
- Cooperative Extension Service
- Department of Defense
- Department of Interior
- Environmental Protection Agency
- Farm Service Agency
- Fish and Wildlife Service
- Forest Service
- Natural Resources Conservation Service

Definitions Applicable to IC 14-32

Board means the state soil conservation board established in IC 14-32-2-1.

Department means the state department of natural resources.

Director means the director of the department of natural resources.

District means a soil and water conservation district that was (1) organized under IC 13-3-1 (before its repeal) or IC 14-32-3 (before its repeal) or (2) reestablished under IC 14-32-6.5 to incorporate additional territory.

Due notice means a notice given through publication at least two (2) times, with an interval of at least six (6) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area.

Geology has the meaning set forth in IC 14-32-7-2.

Land conservation has the meaning set forth in IC 14-32-7-3.

Landfill has the meaning set forth in IC 14-32-5-4.

Land occupier or **occupier of land** means a firm, an individual of voting age, a limited liability company, or a corporation that (1) owns (a) a life estate or (b) an interest greater than a life estate in or (2) is in legal possession, under an express or implied rental lease, of a tract of land that is located within a district as defined in IC 14-8-2-72(2) or proposed for inclusion within a district under IC 14-32-6-5.

Landscape has the meaning set forth in IC 14-32-7-8.

Landscape survey has the meaning set forth in IC 14-32-7-8.

Open door law has the meaning set forth in IC 5-14-1.5-2

Public funds has the meaning set forth in IC 5-13-4-20

River has the meaning set forth in IC 14-32-7-12.

Soil has the meaning set forth in IC 14-32-7-5.

Soil survey has the meaning set forth in IC 14-32-7-8.5.

Supervisor refers to one of the members of the governing body of a soil and water conservation district.

United States means (1) the United States or (2) the Natural Resources Conservation Service of the United States Department of Agriculture or (3) any other agency or instrumentality, corporate or otherwise, of the United States.

Urban geology survey has the meaning set forth in IC 14-32-7-7.

Indiana Code - Article 32 Soil and Water Conservation (IC 14-32)

ARTICLE 32. SOILAND WATER CONSERVATION

IC 14-32-1

Chapter 1. Legislative Policy

IC 14-32-1-1

Conservation declarations

Sec. 1. The following are declared as a matter of legislative determination:

(1) That the land and water resources of Indiana are among the basic assets of Indiana and that the proper management of these resources is necessary to protect and promote the health, safety, and general welfare of the people of Indiana.

(2) That improper land use practices and failure to control and use rainfall and runoff water cause and contribute to deterioration and waste of these resources of Indiana.

(3) That the breaking of natural grass, plant, and forest cover has interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus and developing a soil condition that favors excessive runoff and erosion, with the following results:

(A) The topsoil is being blown and washed out of the fields and pastures.

(B) There has been an accelerated washing of sloping fields.

(C) These processes of erosion by wind and water speed up with removal of the topsoil, exposing the less absorptive, less protective, less productive, and more erosive subsoil.

(4) That valuable water resources are being lost causing damages in watersheds.

(5) That failure by a land occupier to properly manage the soil and water causes a washing and blowing of these resources onto other land and makes the conservation of these resources on the other land more difficult.

(6) That the consequences of soil erosion and failure to control and use rainfall and runoff water are the following:

(A) The silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors.

(B) The loss of fertile soil material.

(C) The piling up of soil on lower slopes and the deposit over alluvial plains.

(D) The reduction in productivity or outright ruin of bottom land by flooding and overwash of poor subsoil material, sand, and gravel swept out of the hills.

(E) The deterioration of soil and the soil's fertility, deterioration of crops grown, and reduction in crop yields.

(F) The loss of soil and water that causes destruction of food and cover for wildlife.

(G) A blowing and washing of soil into streams and lakes that silts over spawning beds and destroys water plants, diminishing the food supply of fish.

(H) A diminishing of the underground water reserve and loss of surplus rainfall runoff causing water shortages, intensifying periods of drought, and causing crop failures.

(I) An increase in the speed and volume of rainfall runoff, causing severe and increasing floods.

(J) Economic hardship for those attempting to farm land that is eroded or subject to frequent flooding.

(K) Damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms.

(L) Losses in navigation, hydroelectric power, municipal water supply, recreational water development, irrigation developments, farming, and grazing.

(7) That to conserve soil and water resources, control and prevent soil erosion, reduce flood damage, and further the conservation development, use, and disposal of water, it is necessary that:

(A) land use practices contributing to soil and water wastage and soil erosion be discouraged and discontinued; and

(B) appropriate soil and water conserving land use practices and works of improvement for flood prevention or the conservation development, use, and disposal of water be adopted and carried out.

(8) That among the procedures necessary for widespread adoption are the following:

(A) Carrying on of engineering operations such as the construction of flood preventing reservoirs and channels, terraces, terrace outlets, check dams, dikes, ponds, ditches, and similar operations.

(B) The use of soil protecting agronomic practices such as strip cropping, contour cropping, and conservation tillage.

(C) Land irrigation.

(D) Seeding and planting of sloping, abandoned, or eroded land to water-conserving and erosion-preventing plants, trees, and grasses.

(E) Forestation and reforestation.

(F) Rotation of crops.

(G) Soil stabilization with trees, grasses, legumes, and other thick-growing, soil-holding crops.

(H) Retardation of runoff by impounding the runoff water behind structures, by increasing the absorption of rainfall, and by retiring from cultivation all steep, highly erosive areas and areas already badly eroded.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.7.

IC 14-32-1-2

Conservation policies

Sec. 2. In light of the determination set forth in section 1 of this chapter, it is the policy of the general assembly to provide for the proper management of soil and water resources, the control and prevention of soil erosion, the prevention of flood water and sediment damage, and the conservation development, use, and disposal of water in the watersheds of Indiana to accomplish the following:

(1) Conserve the natural resources, including wildlife.

(2) Control floods.

(3) Prevent impairment of dams and reservoirs.

(4) Assist in maintaining the navigability of rivers and harbors.

(5) Protect the water quality of lakes and streams.

(6) Protect the tax base.

(7) Protect public land.

(8) Protect and promote the health, safety, and general welfare of the people of Indiana.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.8.

IC 14-32-2

Chapter 2. Soil Conservation Board

IC 14-32-2-1

Establishment

Sec. 1. The soil conservation board is established within the department.

As added by P.L.1-1995, SEC.25.

IC 14-32-2-2

Members

Sec. 2. The board consists of the following nine (9) members:

- (1) Four (4) members who must be land occupiers with farming interests, appointed by the governor.
- (2) Two (2) members who must be land occupiers with nonfarming interests, appointed by the governor.
- (3) Three (3) ex officio members as follows:
 - (A) The director or the director's designee.
 - (B) The commissioner of agriculture or the commissioner's designee.
 - (C) The director of the Purdue University cooperative extension service or the director's designee.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.9.

IC 14-32-2-3

Qualifications of members

Sec. 3.

- (a) A majority of the six (6) appointed members of the board must have experience as district supervisors.
- (b) In making appointments to the board, the governor may invite and consider the recommendations of the following:
 - (1) The Purdue University cooperative extension service.
 - (2) The department.
 - (3) The Indiana Association of Soil and Water Conservation Districts.
- (c) All appointments to the board shall be made without regard to political affiliation.
- (d) The members appointed to the board under section 2(1) and 2(2) of this chapter must be residents of at least four (4) different geographic regions of Indiana.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.10.

IC 14-32-2-4

Terms for members

Sec. 4.

- (a) The term of an appointed member of the board is four (4) years. An appointed member shall serve until a successor is appointed and has qualified. The terms shall be staggered so that three (3) members are appointed every two (2) years.

- (b) The terms of the three (3) ex officio members of the board are coterminous with the governor's term of office.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.11.

IC 14-32-2-5

Travel expenses and per diem salary

Sec. 5. The appointed members of the board are entitled to the following:

(1) Reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(2) The minimum salary per diem as provided in IC 4-10-11-2.1(b) for each day that the members are engaged in the official business of the board.

As added by P.L.1-1995, SEC.25.

IC 14-32-2-6

Repealed

(Repealed by P.L.136-1997, SEC.43.)

IC 14-32-2-7

Appointment of advisory members

Sec. 7. The governor may appoint advisory members from other state and federal agencies upon the recommendation of the board.

As added by P.L.1-1995, SEC.25.

IC 14-32-2-8

Election of chairman of the board

Sec. 8.

(a) The members of the board shall elect a member as the chairman of the board.

(b) The director of the division of soil conservation is the secretary of the board.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.12.

IC 14-32-2-9

Quorum

Sec. 9. A majority of the members of the board constitutes a quorum. The concurrence of a majority of the members is required for the board to take any action.

As added by P.L.1-1995, SEC.25.

IC 14-32-2-10

Delegation of powers and duties

Sec. 10. The board may delegate the powers and duties that the board considers proper to:

(1) the chairman of the board;

(2) any of the members of the board; or

(3) the division of soil conservation.

As added by P.L.1-1995, SEC.25.

IC 14-32-2-11

Attorney general providing legal services

Sec. 11.

(a) The board may call upon the attorney general for the legal services that the board requires.

(b) For the purpose of carrying out any of the board's functions, the supervising officers of a state agency or of a state educational institution shall, upon request of the board, do the following:

(1) Assign or detail to the board any personnel of the agency or educational institution, taking into account available appropriations and the needs of the entity to which the request is directed.

(2) Make the special reports, surveys, or studies that the board requests.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.13.

IC 14-32-2-12

Duties of board

Sec. 12. The board shall do the following:

(1) Provide for the execution of surety bonds for all board employees and officers who are entrusted with money or property.

(2) Provide for the keeping of a full and accurate record of all board proceedings and of all resolutions and rules the board issues or adopts. The accounts of receipts and disbursements are subject to examination by the state board of accounts.

(3) Offer appropriate assistance to the supervisors of soil and water conservation districts to carry out district powers and programs.

(4) Keep the supervisors of districts informed of the activities and experience of all other districts and facilitate cooperation and an interchange of advice and experience among districts.

(5) Coordinate the programs of the districts as far as this may be done by advice and consultation.

(6) Secure the cooperation and assistance of the United States and state agencies in the work of the districts. However, this subdivision does not authorize either of the following:

(A) The transfer or control of authority over districts to a federal agency.

(B) The transfer of title of land or control to the United States.

(7) Disseminate information throughout Indiana concerning the activities and programs of the districts and encourage the formation of districts in areas where organization is desirable.

(8) Coordinate the erosion and sediment part of 33 U.S.C. 1288 (Public Law 92-500, Section 208) and other erosion and sediment reduction programs that affect water quality, in cooperation with state and federal agencies and through districts as provided under IC 14-32-5-1.

(9) Develop a statewide regulatory program to be initiated after all reasonable voluntary approaches to erosion and sediment reduction have been exhausted.

(10) Adopt rules under IC 4-22-2 to implement this article.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.14.

IC 14-32-2-13

Public hearings

Sec. 13. The board may perform the acts and hold the public hearings that are necessary for the execution of the board's functions under this article.

As added by P.L.1-1995, SEC.25.

IC 14-32-3

Chapter 3. Repealed

(Repealed by P.L.136-1997, SEC.43.)

IC 14-32-4

Chapter 4. Supervisors

IC 14-32-4-1

Number and qualifications

Sec. 1.

(a) The governing body of a district consists of five (5) supervisors as follows:

(1) Two (2) who are appointed.

(2) Three (3) who are elected.

(b) To hold the position of elected supervisor, an individual:

(1) must be an occupier of a tract of land that is:

(A) more than ten (10) acres in area; and

(B) located within the district;

(2) must maintain the individual's permanent residence within the district; and

(3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.

(c) To hold the position of appointed supervisor, an individual:

(1) must be of voting age;

(2) must maintain the individual's permanent residence within the district; and

(3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.15.

IC 14-32-4-2

Repealed

(Repealed by P.L.136-1997, SEC.43.)

IC 14-32-4-3

Repealed

(Repealed by P.L.136-1997, SEC.43.)

IC 14-32-4-4

Repealed

(Repealed by P.L.136-1997, SEC.43.)

IC 14-32-4-5

Repealed

(Repealed by P.L.136-1997, SEC.43.)

IC 14-32-4-6

Annual meeting

Sec. 6.

(a) During the first quarter of each calendar year, each district shall hold an annual meeting of all land occupiers in the district. The meeting shall be held on a date designated by the supervisors. The supervisors shall give due notice of the time and place of the meeting.

(b) At the meeting:

(1) the supervisors shall make a full and an accurate report of the activities and financial affairs of the district since the previous annual meeting; and

(2) an election shall be conducted by secret ballot of the land occupiers present of one (1) supervisor who has a three (3) year term of office beginning on the date of the meeting.

(c) The supervisors shall provide a copy of the annual report presented at the meeting to the board and, upon request, to:

(1) other cooperating agencies;

(2) residents of the district; and

(3) any other individual or entity that requests a copy of the annual report.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.16.

IC 14-32-4-7

Election committee; composition and annual meeting

Sec. 7.

(a) The election held at the annual meeting of land occupiers shall be conducted by an election committee appointed under this section.

(b) In October, the district chairman shall do the following:

(1) Appoint an election committee made up of a supervisor as chairman and two (2) interested citizens.

(2) Submit the names of the committee members to the board by November 1.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.17.

IC 14-32-4-8

Election committee duties

Sec. 8.

(a) The election committee appointed under section 7 of this chapter shall do the following:

(1) Select qualified individuals as prospective nominees to fill any vacancies that exist among the elected supervisors of the district.

(2) Contact and ascertain the willingness and ability of each individual to serve if elected.

(3) Submit the list of nominees with the qualifications for certification and printing of a sample ballot to the board by December 1.

(4) Place the names of the prospective nominees selected under subdivisions (1) and (2) in nomination at the meeting and provide an opportunity for additional nominations to be made from the floor.

(5) After nominations are closed, distribute a ballot to each land occupier present at the meeting.

(6) Collect and count the ballots after each land occupier present at the meeting has had an opportunity to vote.

(7) Report the results of the election to the chairman.

(b) The number of prospective nominees selected under subsection (a) (1) must exceed the number of vacancies that exist among the elected supervisors of the district by at least one (1).

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.18.

IC 14-32-4-9

Election results

Sec. 9.

(a) If a tie vote occurs in an election held at an annual meeting under this chapter, voting shall continue until the tie is broken.

(b) The individual receiving the highest number of votes is elected a supervisor for the three (3) year term. If there is also a vacancy to fill an unexpired term of an elected supervisor, the individual receiving the second highest number of votes is elected to fill the unexpired term.

(c) The chairman shall announce the individuals who have been elected and report the election results to the board.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.19.

IC 14-32-4-10

Appointed supervisor; term; filling position upon expiration of term

Sec. 10.

(a) The term of an appointed supervisor is three (3) years.

(b) Before the term of an appointed supervisor expires, the supervisor's position shall be filled as follows:

(1) Not later than November 1, the district supervisors shall recommend to the board in writing one (1) or more individuals qualified to fill the position.

(2) At the first board meeting held after the board receives a recommendation under subdivision (1), the board shall act upon the recommendation.

(3) The board shall notify the supervisors of the appointment made by the board.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.20.

IC 14-32-4-11

Oath of office

Sec. 11. Newly elected and appointed supervisors shall assume the duties of office upon signing an oath of office at the conclusion of the annual meeting of the district.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.21.

IC 14-32-4-12

Successor to supervisor

Sec. 12. A supervisor holds office until the supervisor's successor has been elected or appointed and qualified.

As added by P.L.1-1995, SEC.25.

IC 14-32-4-13

Elected supervisor; vacancy

Sec. 13.

(a) If a vacancy in the position of elected supervisor occurs during the district's operating year:

(1) the district supervisors shall, within thirty (30) days after the vacancy occurs, recommend to the board in writing one (1) or more individuals qualified to fill the position;

- (2) at the first board meeting held after the board receives a recommendation under subdivision (1), the board shall act upon the recommendation and appoint an individual to temporarily fill the vacancy; and
- (3) the board shall notify the supervisors of the appointment made by the board.

(b) The individual appointed to temporarily fill a vacancy under subsection (a) shall serve until the district's next annual meeting.

(c) At the annual meeting immediately following the appointment of an individual to temporarily fill a vacant elected supervisor's position, the position shall be filled through the regular election procedure set forth in sections 6 through 9 of this chapter.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.22.

IC 14-32-4-13.5

Appointed supervisor; vacancy

Sec. 13.5.

(a) If a vacancy in the position of appointed supervisor occurs during a district's operating year:

- (1) the district supervisors shall, within thirty (30) days after the vacancy occurs, recommend to the board in writing one (1) or more individuals qualified to fill the position;
- (2) at the first board meeting held after the board receives a recommendation under subdivision (1), the board shall act upon the recommendation; and
- (3) the board shall notify the supervisors of the appointment made by the board.

(b) The individual appointed to fill a vacant appointed supervisor position under subsection (a) shall serve the unexpired term of the individual's predecessor.

(c) At the expiration of the term of a supervisor appointed under this section, the position of appointed supervisor shall be filled through the regular appointment procedure set forth in section 10 of this chapter.

As added by P.L.136-1997, SEC.23.

IC 14-32-4-14

Chairman

Sec. 14. The supervisors shall designate a chairman and may change the designation.

As added by P.L.1-1995, SEC.25.

IC 14-32-4-15

Removal of supervisor

Sec. 15. The board may, upon notice and a hearing, remove a supervisor for neglect of duty or malfeasance in office, but for no other reason.

As added by P.L.1-1995, SEC.25.

IC 14-32-4-16

Quorum

Sec. 16. A majority of the supervisors constitutes a quorum and the concurrence of a majority of the supervisors is required for the determination of any matter.

As added by P.L.1-1995, SEC.25.

IC 14-32-4-17

Travel expenses and per diem salary

Sec. 17.

(a) A supervisor may be paid a salary per diem for any part of a day that the supervisor is engaged in the official business of the district in any amount not to exceed the salary per diem that may be paid by the state under IC 4-10-11-2.1(b).

(b) A supervisor may also receive for travel, lodging, meals, and other expenses any amount not to exceed the amount a county employee of the county in which the supervisor resides is entitled to receive under the policies and procedures established by the county.

(c) All amounts under this section shall be fixed by the supervisors of each district and paid from money of the district.

As added by P.L.1-1995, SEC.25.

IC 14-32-4-18

Personnel

Sec. 18.

(a) The supervisors of a district:

(1) may employ necessary personnel, subject to IC 36-2-5-3 and IC 36-2-5-7; and

(2) shall determine the qualifications and duties of the personnel.

(b) In any district except a district containing a consolidated city, an employee of the district:

(1) is considered to be an employee of the county in which the employee works, except as provided in subsection (c); and

(2) is eligible for and shall be included in all fringe benefit programs provided for employees of the county.

(c) An employee of a district whose position is funded entirely from sources outside the county in which the employee works solely on the basis of the funding of the employee's position is not considered an employee of the county.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.24.

IC 14-32-4-19

Legal counsel

Sec. 19.

(a) The supervisors and employees of a district are subject to IC 34-13-3.

(b) The supervisors of a district may employ their own counsel and legal staff.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.25; P.L.1-1998, SEC.111.

IC 14-32-4-20

Delegation of powers and duties

Sec. 20. The supervisors may delegate the powers and duties that the supervisors consider proper to any of the following:

(1) The chairman.

(2) Any number of supervisors.

(3) Any number of agents or employees.

As added by P.L.1-1995, SEC.25.

IC 14-32-4-21

Information concerning supervisors' activities

Sec. 21. The supervisors of a district shall furnish to the board, upon request, copies of rules, contracts, forms, and other information concerning the activities of the supervisors that the board requires in the performance of duties under this article.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.26.

IC 14-32-4-22

Duties of supervisors

Sec. 22. The supervisors of a district shall do the following:

- (1) Provide for the execution of surety bonds for all district employees and officers who are entrusted with money or property.
- (2) Provide for the keeping of a full and accurate record of all district proceedings and of all district resolutions and orders issued or adopted.
- (3) Provide for an annual audit of the accounts of receipts and disbursements of the district.
- (4) Provide a copy of each annual financial statement of the district to the board.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.27.

IC 14-32-4-23

Municipality or county designating representative

Sec. 23. The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors on all questions of program and policy that affect the property, water supply, or other interests of the municipality or county.

As added by P.L.1-1995, SEC.25.

IC 14-32-5

Chapter 5. Powers and Duties of Districts

IC 14-32-5-1

General powers

Sec. 1.

(a) A district constitutes a governmental subdivision of the state and a public body corporate and politic exercising public powers.

(b) A district may do the following:

(1) Carry out soil erosion and water runoff preventive and control measures within the district, including engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in IC 14-32-1-1(7) and IC 14-32-1-1(8), on the following:

(A) Land owned or controlled by the state with the consent and cooperation of the agency administering and having jurisdiction of the land.

(B) Any other land within the district upon obtaining the consent of the occupier of the land or the necessary rights or interests in the land.

(2) Construct, improve, operate, and maintain the structures that are necessary or convenient for the performance of any of the operations authorized in this article.

(3) Cooperate or enter into agreements with, and within the limits of appropriations made available to the district by law to furnish financial or other aid to, a federal, state, or other agency or an occupier of land within the district in the carrying on of conservation operations within the district, subject to the conditions that the supervisors consider necessary to advance the purpose of this article.

(4) Obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, real or personal property or rights or interests in property.

(5) Maintain, administer, and improve property acquired, receive income from the property, and expend the income in carrying out this article.

(6) Sell, lease, or otherwise dispose of property or interests in property in furtherance of this article.

(7) Make available to land occupiers within the district, on terms that the district prescribes:

(A) agricultural and engineering machinery and equipment;

(B) fertilizer;

(C) seeds;

(D) seedlings;

(E) other material or equipment; and

(F) services from the district; that will assist in conserving the soil and water resources of the land occupiers.

(8) Develop or participate in the development of comprehensive plans for the proper management of soil and water resources within the district that specify the acts, procedures, performances, and avoidances necessary or desirable for the effectuation of the plans.

(9) Publish plans and information developed under subdivision (8) and bring the plans and information to the attention of land occupiers within the district.

(10) Take over, with the consent of the United States or the state, by purchase, lease, or otherwise, and administer any soil and water conservation, erosion control, water quality protection, or flood prevention project of the entity located within the district's boundaries.

(11) Manage, as agent of the United States or the state, any soil and water conservation, erosion control, water quality protection, flood prevention, or outdoor recreation project within the district's boundaries.

(12) Act as agent for the United States or the state in connection with the acquisition, construction, operation, or administration of any soil and water conservation, erosion control, water quality protection, flood prevention, or outdoor recreation project within the district's boundaries.

(13) Accept donations, gifts, and contributions in money, services, materials, or otherwise from the United States and use or expend the services, materials, or other contributions in carrying on the district's operations.

(14) Sue and be sued in the name of the district.

(15) Have perpetual succession unless terminated as provided in this article.

(16) Make and execute contracts and other instruments necessary or convenient to the exercise of the district's powers.

(17) Adopt rules and regulations consistent with this article to carry into effect the purposes and powers of this article.

(18) Require an occupier of land not owned or controlled by the state, as a condition to extending benefits under this article to or the performance of work upon the land, to do either or both of the following:

(A) Make contributions in money, services, materials, or otherwise to an operation conferring benefits.

(B) Enter into agreements or covenants concerning the use and treatment of the land that will tend to:

(i) prevent or control soil erosion;

(ii) achieve water conservation and water quality protection; and

(iii) reduce flooding;

on the land.

(19) Cooperate with the state in the following:

(A) Conducting surveys, investigations, and research relating to the character of soil erosion and water losses and the preventive and control measures needed.

(B) Publishing the results of the surveys, investigations, or research.

(C) Disseminating information concerning the preventive and control measures.

(20) Cooperate with the state in conducting, within the district, soil and water conservation, erosion control, water quality protection, and flood prevention demonstration projects:

(A) on land owned or controlled by the state with the agency administering and having jurisdiction of the land; and

(B) on any other land upon obtaining the consent of the occupier of the land or the necessary rights or interests in the land.

(21) Serve as the management agency for:

(A) the erosion and sediment part of 33 U.S.C. 1288 (P.L. 92-500, section 208); and

(B) other erosion and sediment reduction programs that affect water quality in each county.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.28.

IC 14-32-5-2

Inapplicable provisions

Sec. 2. A provision concerning the acquisition, operation, or disposition of property by other public bodies does not apply to a district unless the provision specifically states that the provision applies.

As added by P.L.1-1995, SEC.25.

IC 14-32-5-3

Bids, proposals, or quotations submitted by a trust

Sec. 3. If:

(1) a district disposes of real property or awards a contract for the procurement of property by acceptance of bids, proposals, or quotations; and

(2) a bid, proposal, or quotation is submitted by a trust (as defined in IC 30-4-1-1(a)); the bid, proposal, or quotation submitted by the trust must identify each beneficiary of the trust and each settlor empowered to revoke or modify the trust.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.29.

IC 14-32-5-3.5

Certificate of organization; rebuttable presumption of establishment of district

Sec. 3.5.

(a) In an action or proceeding that:

(1) relates to; or

(2) involves the validity or enforcement of; a contract, proceeding, or action of a district, proof of the issuance of a certificate of organization to the district by the secretary of state creates a rebuttable presumption of the establishment of the district under this article or IC 13-3-1 (before its repeal).

(b) A copy of a certificate of organization that was issued to a district and certified by the secretary of state is:

(1) admissible in evidence in an action or proceeding referred to in subsection (a); and

(2) proof of the filing and contents of the certificate.

As added by P.L.136-1997, SEC.30.

IC 14-32-5-4

"Landfill" defined; inspection

Sec. 4.

(a) As used in this section, "landfill" means a facility where solid waste is to be disposed of through placement on or beneath the surface of the ground. However, the term does not include any of the following:

(1) A land application operation regulated under 327 IAC 6.

(2) A surface impoundment.

(3) An injection well.

(4) A facility for the disposal of solid waste other than sludge from a municipal wastewater treatment plant that is:

(A) generated at the site of the facility; or

(B) generated by the owner or operator of the facility.

(5) An operation permitted under IC 14-34.

(b) As used in this section, "underground injection" means the subsurface emplacement of fluids through:

(1) a bored, drilled, or driven shaft; or

(2) a dug hole, the depth of which is greater than the hole's largest surface dimension.

(c) A district shall inspect every landfill located within the boundaries of the district for compliance with rules adopted under IC 13-18 or IC 13-19 concerning erosion and sediment control. Each landfill shall be inspected under this section at least two (2) times each calendar year as follows:

(1) One (1) time before July 1.

(2) One (1) time after June 30 and before December 31.

(d) Not later than ten (10) days after an inspection of a landfill under this section, the individual who conducted the inspection on behalf of the district shall prepare a written report on the results of the inspection and send the report to the following:

(1) The executive of the county.

(2) The commissioner of the department of environmental management.

(3) The director of the division of soil conservation.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.31.

IC 14-32-5-5

Prohibited actions

Sec. 5. A district may not do any of the following:

(1) Exercise the right of eminent domain.

(2) Incur indebtedness beyond available money.

(3) Issue bonds.

(4) Take contributions by exactions or persuasions. However, the district may accept voluntary contributions from any source if the following conditions are met:

(A) The donations are offered for the sole and exclusive purpose of promoting soil and water conservation within the district.

(B) The district satisfactorily guarantees to the donors the faithful use of the donations for that purpose.

(5) Engage in:

(A) the marketing of farm products; or

(B) the buying and selling of farm supplies; other than those products or supplies used or needed directly or indirectly in soil and water conservation work.

(6) Engage in agricultural research or agricultural extension teaching except in cooperation with Purdue University.

(7) Levy taxes.

(8) Make or levy benefit assessments or any other kind of assessments.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.32.

IC 14-32-5-6

Cooperation among districts

Sec. 6. Districts organized under this article or IC 13-3-1 (before its repeal) may cooperate with each other in carrying on the work of the districts. However, this section does not permit the transfer of authority or powers from one (1) district to another.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.33.

IC 14-32-5-7

State agencies and governmental subdivisions cooperating with districts

Sec. 7.

(a) An:

(1) agency of the state; or

(2) county or other governmental subdivision of the state; that has jurisdiction over or is charged with the administration of publicly owned land lying within the boundaries of a district shall cooperate to the fullest extent with the district to effect programs and operations undertaken by the district under this article.

(b) The district shall be given free access to enter and perform work upon the publicly owned land referred to in subsection (a).

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.34.

IC 14-32-5-8

Appropriations

Sec. 8. The fiscal body of each county that contains a district in whole or in part may appropriate money for the use of the district serving the county from which the appropriation is to be made.

As added by P.L.1-1995, SEC.25.

IC 14-32-6

Chapter 6. Repealed

(Repealed by P.L.136-1997, SEC.43.)

IC 14-32-6.5

Chapter 6.5. Changing the Boundaries of a District or Dissolving a District

IC 14-32-6.5-1

Petitions to change boundaries or dissolve districts

Sec. 1.

(a) Land occupiers of a district may file a petition with the board requesting either of the following:

- (1) That the boundaries of the district be changed to encompass territory described in the petition.
- (2) That the district cease to operate and be dissolved.

(b) A petition filed under this section must be signed by at least twenty-five (25) land occupiers whose tracts of land are located within the boundaries of the district referred to in the petition.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-2

Petition to change boundaries; conditions

Sec. 2. In the case of a petition filed under section 1(a)(1) of this chapter to change the boundaries of a district, the following conditions apply:

- (1) The territory proposed for inclusion in the reconfigured district may consist of two (2) or more separate tracts, and the tracts need not be contiguous.
- (2) The petition must include a generally accurate description of the territory proposed for inclusion in the reconfigured district, but the territory need not be defined by metes and bounds or by legal subdivisions.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-3

Petition to change boundaries; requirements of territory proposed for inclusion

Sec. 3.

(a) If:

- (1) a petition is filed under section 1(a)(1) of this chapter to change the boundaries of a district; and
- (2) the territory proposed for inclusion in the reconfigured district includes all or part of the territory of one (1) or more existing districts; the petition must meet the requirement set forth in subsection (b), subsection (c), or subsection (d).

(b) If the territory proposed for inclusion includes only a portion of the existing district, a petition described in subsection (a) must be signed by at least twenty-five (25) land occupiers whose tracts of land are located within the territory, except as provided in subsection (d).

(c) If the territory proposed for inclusion includes all or part of two (2) or more existing districts, the petition must be signed by at least twenty-five (25) land occupiers whose tracts of land are located within the part of each existing district that is proposed for inclusion, except as provided in subsection (d).

(d) If there are fewer than fifty (50) land occupiers whose tracts of land are located in:

- (1) a territory referred to in subsection (b); or
- (2) a part of a district referred to in subsection (c); the petition must be signed by a majority of the land occupiers whose tracts of land are located within the territory or part of a district.

(e) The signature requirements of this section are in addition to the signature requirement imposed by section 1(b) of this chapter.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-4

Petition to change boundaries; joint resolution of districts required

Sec. 4.

(a) If:

- (1) a petition is filed under section 1(a)(1) of this chapter to change the boundaries of a district; and
- (2) the territory proposed for inclusion in the reconfigured district includes all or part of the territory of one (1) or more other existing districts; the petition must be accompanied by a copy of a joint resolution described in subsection (b).

(b) The resolution required by this section must be adopted by the supervisors and certified by the secretary of:

- (1) the district into which the territory proposed for inclusion would be incorporated; and
- (2) each district whose territory would be incorporated into the district referred to in subdivision (1).

(c) The resolution required by this section must set forth:

- (1) the amount of the assets and obligations that would be transferred to the district referred to in subsection (b)(1) by each district referred to in subsection (b)(2) as part of the incorporation of territory; and
- (2) the amount of the assets and obligations of the district referred to in subsection (b)(1) that would be retained by the district after the incorporation of territory.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-5

Petitions to change boundaries or dissolve districts; invalidity

Sec. 5. If a petition filed under section 1 of this chapter does not meet the requirements set forth in sections 1 through 4 of this chapter, the board shall:

- (1) declare the petition invalid;
- (2) in writing, inform the person who filed the petition that the petition is invalid, specifying the reason or reasons for the invalidity of the petition; and
- (3) return the petition to the person who filed it for the incorporation of corrections to remedy the invalidity.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-6

Petitions to change boundaries or dissolve districts; hearing

Sec. 6.

(a) If a petition filed under section 1 of this chapter meets the requirements set forth in sections 1 through 4 of this chapter, the board shall do the following:

- (1) Not more than sixty (60) days after the filing of the petition, give due notice that a hearing will be held concerning the petition.
- (2) Pay all expenses arising from the issuance of the notice and the holding of the hearing.
- (3) Conduct the hearing.

(b) The hearing held on the petition shall be open to the public. The following may testify at the hearing:

- (1) A land occupier whose tract of land is located within the district or territory referred to in the petition.
- (2) An individual of voting age who resides within the district or territory referred to in the petition.

(c) Testimony may be presented at the hearing concerning:

- (1) the desirability and necessity, in the interest of the public welfare, of granting the petition;
- (2) the validity of:

- (A) the petition; and
 - (B) proceedings conducted on the petition under this chapter; and
 - (3) all questions relevant to the petition.
- As added by P.L.136-1997, SEC.35.*

IC 14-32-6.5-7

Petitions to change boundaries or dissolve districts; considerations

Sec. 7.

(a) When considering a petition to change the boundaries of a district, the board shall consider and give due weight to the following:

- (1) The information presented at the hearing held under section 6 of this chapter.
- (2) The attitudes toward the change in district boundaries expressed by land occupiers whose tracts of land are located within the territory proposed for inclusion within the district.
- (3) The desirability and necessity of including the territory within the district, including the benefits that the land occupiers whose tracts of land are located within the territory may receive from the inclusion.
- (4) The relation of the territory to:
 - (A) watersheds;
 - (B) agricultural regions; and
 - (C) other districts.
- (5) The physical, geographical, and economic factors that are relevant, having regard to the legislative determination set forth in IC 14-32-1.

(b) When considering a petition to dissolve a district, the board shall consider and give due weight to the following:

- (1) The information presented at the hearing held under section 6 of this chapter.
- (2) The attitudes toward dissolution of the district expressed by land occupiers whose tracts of land are located within the district.
- (3) The approximate wealth and income of the residents of the district.
- (4) The probable expense of carrying on soil and water resource protection activities within the district.
- (5) Other economic and social factors that are relevant, having regard to the legislative determination set forth in IC 14-32-1.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-8

Denial of petition

Sec. 8. Not more than sixty (60) days after a public hearing on a petition is held under section 6 of this chapter, the board shall determine whether the petition should be denied.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-9

Denial of petition; record of determination; notice

Sec. 9. If, after the hearing and consideration of the factors set forth in section 7 of this chapter, the board determines that a petition should be denied, the board shall, when appropriate, do the following:

- (1) Record the determination.
- (2) Deny the petition.

- (3) Notify a representative of the petitioners in writing that the petition is denied.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-10

Petitions to change boundaries or dissolve districts; procedures if not denied

Sec. 10.

(a) If, after the hearing and consideration of the factors set forth in section 7(a) of this chapter, the board determines that a petition to change the boundaries of a district should not be denied, the board shall, when appropriate, do the following:

- (1) Record the determination.
- (2) Define, by metes and bounds or by legal subdivisions, the territory to be included in the proposed reconfigured district.
- (3) In consultation with the petitioners, establish a name for the proposed reconfigured district.
- (4) Not more than sixty (60) days after recording the determination, give due notice that an election, by secret ballot, will be held on the local public question set forth in the petition.
- (5) Prescribe appropriate procedures for the conduct of the election and the determination of the eligibility of voters.
- (6) Supervise the conduct of the election.
- (7) Publish the results of the election.
- (8) Pay all expenses arising from the issuance of notices and the holding of the election.

(b) If, after the hearing and consideration of the factors set forth in section 7(b) of this chapter, the board determines that a petition to dissolve a district should not be denied, the board shall, when appropriate, do the following:

- (1) Record the determination.
- (2) Not more than sixty (60) days after recording the determination, give due notice that an election, by secret ballot, will be held on the local public question set forth in the petition.
- (3) Prescribe appropriate procedures for the conduct of the election and the determination of the eligibility of voters.
- (4) Supervise the conduct of the election.
- (5) Publish the results of the election.
- (6) Pay all expenses arising from the issuance of notices and the holding of the election.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-11

Elections to change boundaries or dissolve districts; contents of ballots

Sec. 11.

(a) The ballot provided for an election on whether to change the boundaries of a district must contain the following:

- (1) A definition, by metes and bounds or by legal subdivisions, of the territory within the proposed reconfigured district.
- (2) Two (2) propositions, one (1) of which reads "For creation of the (insert name) soil and water conservation district comprising the territory defined here" and the other of which reads "Against creation of the (insert name) soil and water conservation district comprising the territory defined here".
- (3) A square in front of each proposition.

(4) Instruction to insert an X mark in the square before only one (1) of the propositions to indicate that the voter favors or opposes the inclusion of the described territory within the district.

(b) The ballot provided for an election on whether to dissolve a district must contain the following:

(1) Two (2) propositions, one (1) of which reads “For terminating the existence of the (insert name) soil and water conservation district” and the other of which reads “Against terminating the existence of the (insert name) soil and water conservation district”.

(2) A square in front of each proposition.

(3) Instruction to insert an X mark in the square before only one (1) of the propositions to indicate that the voter favors or opposes the dissolution of the district.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-12

Elections to change boundaries or dissolve districts; voting

Sec. 12.

(a) All land occupiers whose tracts of land are located within:

(1) the boundaries of the district as they would be changed to encompass the territory proposed for inclusion; or

(2) the district proposed for dissolution; are eligible to vote in the election on the local public question held under section 10(a) or 10(b) of this chapter.

(b) A voting place used in the election must be arranged so that the voter can mark a ballot without disclosing to any person how the ballot was marked.

(c) An informality in the conduct of the election on the local public question or in a matter relating to the election does not invalidate the election or the result of the election if:

(1) due notice of the election was given substantially as required by section 10 of this chapter and IC 14-8-2-80; and

(2) the election was conducted fairly.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-13

Elections to change boundaries or dissolve districts; simple majority required to deny

Sec. 13. If at least a simple majority of the votes cast on the local public question are against the request set forth in the petition, the board shall, when appropriate, do the following:

(1) Certify the results of the election in the records of the board.

(2) Declare the request set forth in the petition denied.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-14

Elections to change boundaries or dissolve districts; simple majority required to implement request

Sec. 14.

(a) In an election on the local public question of whether to change the boundaries of a district, the board shall proceed under subsection (c) if at least a simple majority:

(1) of all the votes cast; and

(2) of the votes cast in each:

(A) district; or

(B) portion of a district; that would be included within the proposed reconfigured district; are in favor of the inclusion of the described territory within the district.

(b) In an election on the local public question of whether to dissolve a district, the board shall proceed under subsection (c) if at least a simple majority of the votes cast on the local public question are in favor of the dissolution of the district.

(c) Under the circumstances set forth in subsection (a) or (b), the board shall do the following:

(1) Certify the results of the election in the records of the board.

(2) Implement the request set forth in the petition under:

(A) sections 15 through 21 of this chapter, if changing the boundaries of a district; or

(B) sections 22 through 23 of this chapter, if dissolving a district.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-15

Appointed supervisors; terms

Sec. 15.

(a) To incorporate the described territory within the district, the board shall do the following not more than thirty (30) days after certifying the election:

(1) Appoint two (2) individuals who meet the qualifications set forth in IC 14-32-4-1(c) as supervisors of the district.

(2) Establish the length of the terms of the appointed supervisors within the limits set forth in subsection (b).

(b) The term of one (1) supervisor appointed under subsection (a) may not be more than three (3) years. The term of the other supervisor appointed under subsection (a) may not be more than two (2) years.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-16

Letter of application; presentation to secretary of state; contents

Sec. 16.

(a) Not more than thirty (30) days after being appointed under section 15(a) of this chapter, the two (2) appointed supervisors shall present to the secretary of state the following:

(1) A notarized letter of application, signed by the two (2) appointed supervisors, for reorganization of the district as a governmental subdivision and a public body corporate and politic under this article.

(2) A copy of the original petition filed with the board.

(3) A copy of the certification by the board of the results of the election held on the local public question.

(4) A copy of the records of appointment by the board of the two (2) supervisors who signed the letter of application.

(b) The letter of application presented under subsection (a) must include the following:

(1) The name proposed for the district.

(2) A definition, by metes and bounds or by legal subdivisions, of the reconfigured boundaries of the district.

(3) A statement certifying that, upon notification by the secretary of state of the approval of the application, an existing district lying entirely within the boundaries of the newly reorganized district will terminate operation and cease to exist.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-17

Certificate of organization

Sec. 17.

(a) After receiving, examining, and approving a letter of application and the accompanying documents that are presented under section 16 of this chapter, the secretary of state shall do the following:

- (1) Issue to the appointed supervisors a certificate of organization indicating that the district is reestablished with boundaries incorporating the territory defined in the notarized letter of application presented under section 16 of this chapter.
- (2) Record the certificate of organization with the letter of application and accompanying documents in an appropriate record.
- (3) Issue to the supervisors of any existing district lying entirely within the boundaries of the newly reestablished district a certificate of dissolution of the existing district.
- (4) Record the certificate of dissolution in an appropriate record.

(b) On the date the secretary of state issues the certificates required by subsection (a):

- (1) all property and responsibilities of any existing district lying entirely within the boundaries of the newly reestablished district are assumed by the reestablished district; and
- (2) any existing district lying entirely within the boundaries of the newly reestablished district ceases to exist.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-18

Elected supervisors; petitions for nomination

Sec. 18.

(a) After the secretary of state issues a certificate of organization to the supervisors of a newly reestablished district under section 17 of this chapter, the board shall, when appropriate, circulate petitions for the nomination of candidates for the three (3) elected supervisor positions of the reestablished district. The petitions must be filed with the board not more than sixty (60) days after the secretary of state issues the certificate of organization. However, the board may extend the time within which the petitions may be filed.

(b) To be valid, a nominating petition must meet the following conditions:

- (1) The candidate named on the petition must meet the qualifications for elected supervisors set forth in IC 14-32-4-1(b).
- (2) The petition must be signed by at least twenty-five (25) land occupiers whose tracts of land are located within the district.

(c) A land occupier may sign more than one (1) petition to nominate more than one (1) candidate.

(d) Not more than thirty (30) days after receiving at least four (4) valid nominating petitions, the board shall do the following:

- (1) Give due notice that an election, by secret ballot, will be held to elect the three (3) supervisors of the newly reestablished district.
- (2) Prescribe appropriate procedures for the conduct of the election and the determination of the eligibility of voters.
- (3) Supervise the conduct of the election.
- (4) Publish the results of the election.
- (5) Pay all expenses arising from the issuance of notices and the holding of the election.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-19

Election of supervisors; contents of ballots

Sec. 19.

(a) The ballot provided for the initial election of supervisors of a newly reestablished district must contain the following:

- (1) The names, in alphabetical order of the surnames, of all the nominees on behalf of whom valid nominating petitions have been filed.
- (2) A square in front of each name.
- (3) Instruction to insert an X mark in the square before any three (3) of the names to indicate the voter's preference.

(b) A land occupier whose tract of land is located within the newly reestablished district is eligible to vote in the election.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-20

Elected supervisors; terms

Sec. 20.

(a) The three (3) candidates who receive the largest number of votes cast in the initial election of supervisors of a newly reestablished district are elected.

(b) The terms of office of the elected supervisors are as follows:

- (1) The individual receiving the highest number of votes has a three (3) year term of office.
- (2) The individual receiving the second highest number of votes has a two (2) year term of office.
- (3) The individual receiving the third highest number of votes has a (1) year term of office.

(c) If a tie vote occurs among the three individuals elected as supervisors, the terms of office for those receiving the same number of votes shall be decided by lot.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-21

Elected supervisors; oath of office; commencement of term

Sec. 21.

(a) The five (5) initial supervisors of a newly reestablished district shall assume the duties of office upon taking and signing an oath of office. The oath shall be administered:

- (1) to the two (2) appointed supervisors at the date of their appointment by the board; and
- (2) to the three (3) elected supervisors within one (1) week after publication by the board of the results of the election.

(b) An appointed supervisor holding office when a district is reestablished under sections 15 through 21 of this chapter is discharged from office when the initial appointed supervisors of the reestablished district assume the duties of office under subsection (a). An elected supervisor holding office when a district is reestablished under sections 15 through 21 of this chapter is discharged from office when the initial elected supervisors of the reestablished district assume the duties of office under subsection (a).

(c) Although an initial supervisor assumes the duties of office at the time set forth in subsection (a), the term of office of the supervisor does not begin until the conclusion of the first annual meeting of the newly reestablished district for purposes of determining the expiration of the supervisor's term of office.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-22

Dissolution; procedures; certificate

Sec. 22.

(a) To proceed with the dissolution of a district under section 14(b) of this chapter in accordance with the results of an election, the supervisors of the district, upon notification of the results of the election, shall do the following:

- (1) Begin immediately to terminate the affairs of the district.
- (2) Dispose of all property belonging to the district at public auction and pay over the proceeds of the sale into the state treasury.
- (3) File with the secretary of state a notarized letter of application for dissolution of the district that:
 - (A) recites that the property of the district has been disposed of and the proceeds of the sale paid over as required by this section; and
 - (B) sets forth a full accounting of the property and proceeds of the sale.
- (4) Transmit with the letter of application a copy of the certification by the board of the results of the election on the local public question of whether to dissolve the district.

(b) Upon receipt, examination, and approval of the letter of application and accompanying required document, the secretary of state shall do the following:

- (1) Issue to the supervisors a certificate of dissolution.
- (2) Record the certificate with the letter of application and accompanying required document in an appropriate record.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-23

Dissolution; contracts remain in force

Sec. 23.

(a) Despite the issuance of a certificate of dissolution of a district under section 22 of this chapter, all contracts to which the district is a party remain in force and effect for the period provided in the contracts.

(b) The board:

- (1) is substituted for the district as party to the contracts;
- (2) is entitled to all benefits and subject to all liabilities under the contracts; and
- (3) has the same right and obligation under the contracts as the district would have had to:
 - (A) perform;
 - (B) require performance;
 - (C) sue and be sued; and
 - (D) modify or terminate the contracts by mutual consent or otherwise.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-24

Denial of petition for change in boundaries; delay before similar request considered

Sec. 24. If a valid petition requesting a change in the boundaries of a district or the dissolution of a district has been denied due to:

- (1) the determination of the board after a public hearing; or
- (2) the results of an election held on the local public question; the board may not consider a later petition containing the same request or a similar request until two (2) years after the denial of the original petition.

As added by P.L.136-1997, SEC.35.

IC 14-32-6.5-25

Procedures for organization of new district in same territory as dissolved district

Sec. 25. If a district is dissolved under this chapter, the board may prescribe the procedure under which a new district may be organized within the territory encompassed by the dissolved district.

As added by P.L.136-1997, SEC.35.

IC 14-32-7

Chapter 7. Duties of Department

IC 14-32-7-1

Policy of department

Sec. 1.

(a) The general assembly recognizes the following:

(1) That the land resource of Indiana, including the principal elements of geology, landscape, and soils, is one (1) of the basic natural resources of Indiana.

(2) That an ever increasing demand upon the fixed and limited land resource is resulting from a growing population, with the accompanying expansions in commercial, industrial, transportation, recreation, and cultural development and the continuing need for an adequate agricultural base for the production of food and fiber.

(3) That conservation of the land resource is essential to protect and promote the public health, safety, and welfare.

(4) That the task of conservation can only be accomplished through a factual knowledge and understanding of the land resource.

(b) Therefore, it is the policy of the general assembly that the state promote and participate in the conservation of the land resource of Indiana by doing the following:

(1) Providing new or expanded means for the securing, development, and furnishing to land use decision makers of adequate factual knowledge concerning the geology, landscape, and soils of Indiana, including their potentials, limitations, and interrelationships, in the manner set forth in this chapter.

(2) Strengthening the capabilities of local soil and water conservation districts.

(3) Expanding the level of small watershed planning for soil and water conservation measures.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.36.

IC 14-32-7-2

"Geology" defined

Sec. 2. As used in this chapter, "geology" means the study of the following:

(1) Earth materials, which are minerals, rocks, water, and soil.

(2) The processes that have formed earth materials.

As added by P.L.1-1995, SEC.25.

IC 14-32-7-3

"Land conservation" defined

Sec. 3. As used in this chapter, "land conservation" means the wise use of land:

(1) for the satisfaction of human needs; and

(2) based upon knowledge and understanding of the land's capabilities and limitations.
As added by P.L.1-1995, SEC.25.

IC 14-32-7-4

"Landscape" defined

Sec. 4. As used in this chapter, "landscape" means the aggregate of all factors and features that constitute the total visual and perceptive impact of a given area of the earth's surface upon the human senses.
As added by P.L.1-1995, SEC.25.

IC 14-32-7-5

"Soil" defined

Sec. 5. As used in this chapter, "soil" means the surface layer of the earth that serves as a natural medium for the growth of plant life.
As added by P.L.1-1995, SEC.25.

IC 14-32-7-6

Administration and coordination of duties and responsibilities

Sec. 6.

(a) The division of soil conservation:

(1) shall administer and coordinate the duties and responsibilities of the department under the land resource programs authorized by this chapter; and

(2) in carrying out its duties under subdivision (1), may work in cooperation with the following:

(A) Federal and state agencies.

(B) Local governmental agencies involved in land use planning and zoning.

(C) Any person, firm, institution, or agency, public or private, having an interest in land conservation.

(b) The department may employ the personnel and provide facilities and services that are necessary to carry out the department's duties and responsibilities under this chapter.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.37.

IC 14-32-7-7

Urban geology survey

Sec. 7.

(a) As used in this section, "urban geology survey" means a systematic scientific identification, inventory, and mapping of the earth materials of a given area that sets forth the capabilities, potentials, and limitations of the earth materials for human needs.

(b) The department shall use the money appropriated by the general assembly to initiate and carry out a program of urban geology surveys, together with other geologic investigations, for Indiana to develop and present the geologic data and information necessary to a coordinated land conservation program that will promote sound land use decisions.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.38.

IC 14-32-7-8

Landscape survey

Sec. 8.

(a) As used in this section, "landscape survey" means a systematic scientific identification, inventory, and

mapping of the features of the earth's surface that serve to constitute the landscape of a given area, including key factors such as the following:

- (1) Land form.
- (2) Vegetation.
- (3) Wildlife.
- (4) Physical characteristics.
- (5) Visual perception.
- (6) Historical and cultural sites.

(b) The department shall use the money appropriated by the general assembly to initiate and carry out a program of landscape surveys for Indiana to develop and present the surficial landscape data and information necessary to promote wise land use decisions.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.39.

IC 14-32-7-8.5

Soil survey

Sec. 8.5.

(a) As used in this section, "soil survey" means a systematic scientific identification, inventory, and mapping of the soils of a given area that sets forth the capabilities, potential, and limitations of the soils in the satisfaction of human needs.

(b) The department shall use the money appropriated by the general assembly to implement and supplement a program of modern soil surveys for Indiana that will, within the shortest practicable time, provide a modern soil survey for each county as an essential tool in land conservation.

As added by P.L.136-1997, SEC.40.

IC 14-32-7-9

Support and assistance to local soil and water conservation districts

Sec. 9. The department shall provide more support and assistance to the local soil and water conservation districts by:

- (1) granting to the districts the additional money that is appropriated by the general assembly; and
- (2) increased coordination and consultative services; to obtain increased participation by the districts in the development of improved local land use practices and decisions.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.41.

IC 14-32-7-10

Appropriations, uses

Sec. 10. The department shall use the money appropriated by the general assembly to expand the small watershed planning program as carried out in cooperation with the Natural Resources Conservation Service of the United States Department of Agriculture under 16 U.S.C. 1001 et seq., to reduce the accumulation of approved watershed planning requests and expedite the realization of the multiple benefits of this soil and water conservation program.

As added by P.L.1-1995, SEC.25.

IC 14-32-7-11

Coordination and scheduling of urban geology survey program and landscape survey program

Sec. 11. The department shall coordinate and schedule the programs authorized by sections 7 through 8 of this chapter to provide, as nearly as practicable, for concurrent completion and furnishing of the results of each

program for each selected area study unit.
As added by P.L.1-1995, SEC.25.

IC 14-32-7-12

Duties of soil conservation division

Sec. 12.

(a) As used in this section, “river” includes streams and the tributaries of rivers.

(b) The division of soil conservation shall do the following:

(1) Perform all administrative duties required by the rules of the board.

(2) Provide professional assistance to districts in planning, coordinating, and training for the following:

(A) Adult soil and water conservation education.

(B) Natural resources conservation information programs for elementary and secondary schools.

(3) Provide professional soil conservation technical assistance to districts.

(4) Provide nonagricultural soils interpretive and erosion control expertise on a regional basis.

(5) Assist the districts and other federal, state, and local entities in encouraging and monitoring compliance with those aspects of the programs that are related to erosion and sediment reduction.

(6) Administer a cost-share program for installation of erosion control structural measures on severely eroding cropland and for conversion of highly erodible land from crop production to permanent vegetative cover.

(7) Administer a lake and river enhancement program to do the following:

(A) Control sediment and associated nutrient inflow into lakes and rivers.

(B) Accomplish actions that will forestall or reverse the impact of that inflow and enhance the continued use of Indiana’s lakes and rivers.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.42.

IC 14-32-7-13

Administration

Sec. 13. The department shall administer this article subject to the direction of the board.

As added by P.L.1-1995, SEC.25

IC 14-32-8

Chapter 8. Clean Water Indiana Program

IC 14-32-8-1

”Fund” defined

Sec. 1. As used in this chapter, “fund” means the clean water Indiana fund established by this chapter.

As added by P.L.160-1999, SEC.4.

IC 14-32-8-2

”Political subdivision” defined

Sec. 2. As used in this chapter, “political subdivision” means a county, township, city, or town.

As added by P.L.160-1999, SEC.4.

IC 14-32-8-3

”Program” defined

Sec. 3. As used in this chapter, “program” means the clean water Indiana program established by this chapter.
As added by P.L.160-1999, SEC.4.

IC 14-32-8-4

Program established

Sec. 4. The clean water Indiana program is established. The division of soil conservation shall administer the program subject to the direction of the board.
As added by P.L.160-1999, SEC.4.

IC 14-32-8-5

Purpose of program

Sec. 5. The purpose of the program is to provide financial assistance to:

- (1) land occupiers; and
- (2) conservation groups; to implement conservation practices to reduce nonpoint sources of water pollution through education, technical assistance, training, and cost sharing programs.

As added by P.L.160-1999, SEC.4.

IC 14-32-8-6

Clean water Indiana fund

Sec. 6.

- (a) The clean water Indiana fund is established to carry out the purposes of this chapter. The fund shall be administered by the division of soil conservation subject to the direction of the board.
- (b) The fund consists of:
 - (1) amounts appropriated by the general assembly; and
 - (2) donations, grants, and money received from any other source.
- (c) The expenses of administering the fund shall be paid from money in the fund.
- (d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.160-1999, SEC.4.

IC 14-32-8-7

Expenditures from fund

Sec. 7. Money in the fund may be spent in the following ways:

- (1) To increase district technical assistance in local conservation efforts.
- (2) To develop an environmental stewardship program to assist land occupiers in complying with environmental regulations voluntarily.
- (3) To qualify for federal matching funds for county soil survey computerization.
- (4) To provide for the following cost sharing programs:
 - (A) A program to encourage land occupiers to implement conservation practices to reduce nutrient, pesticide, and sediment runoff.
 - (B) Programs that encourage land occupiers to implement nutrient management programs by

sharing the cost of any of the following:

- (i) Fencing for intensive grazing systems.
- (ii) Purchasing nutrient management equipment.
- (iii) Voluntary environmental audits.
- (iv) Other similar expenditures related to nutrient management.

(5) To provide matching grants to districts for the following:

- (A) Professional watershed coordinators to facilitate and administer local watershed protection projects.
- (B) District managers to administer district conservation policies and programs.

(6) To increase state technical and capacity building assistance to districts and local conservation efforts by providing for the following:

- (A) Capacity building specialists to train district personnel in grant writing, grant administration, and leadership development.
- (B) Conservation education specialists to help implement district conservation education efforts.
- (C) Urban storm water specialists to provide technical assistance to developers to contain soil erosion on construction sites.

(7) To make distributions as provided under section 8 of this chapter.

As added by P.L.160-1999, SEC.4.

IC 14-32-8-8

Additional funds from division of soil conservation

Sec. 8.

(a) In addition to funds provided to a district under section 7 of this chapter or from any other source the division of soil conservation shall pay to the district one dollar (\$1) for every one dollar (\$1) the district receives from a political subdivision.

(b) The state is not obligated to match more than ten thousand dollars (\$10,000) under this section.

(c) In order to receive funding under this section, before April 15 of each year a district must certify to the division of soil conservation the amount of money the district received from all political subdivisions during the one (1) year period beginning January 1 of the previous year. The division of soil conservation shall make distributions under this section not later than July 15 of each year.

(d) Before making distributions under this section the division of soil conservation shall determine the total amount of money that has been certified by all districts as having been provided by political subdivisions. If the cumulative amount to be distributed to all districts exceeds the amount appropriated to the fund, the division of soil conservation shall reduce the distribution to each district proportionately.

(e) A district must spend money received under this section for the purposes of the district.

As added by P.L.160-1999, SEC.4. Amended by P.L.155-2002, SEC.9 and P.L.158-2002, SEC.8.

IC 14-32-8-9

Report

Sec. 9. The districts shall coordinate with the division of soil conservation to compile and provide a report to the executive director of the legislative services agency each year. The report must describe:

- (1) the expenditures of the clean water Indiana fund; and
- (2) the number, type, status, and effectiveness of conservation efforts funded by the clean water Indiana program.

As added by P.L.160-1999, SEC.4.